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**TITLE:** A STUDY OF JOINT LABOUR-MANAGEMENT COMMITTEES AT THE PROVINCIAL LEVEL IN THE PROVINCES OF CANADA

**AUTHOR:** Professor Aranka Kovacs,  
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WINDSOR, Ontario.

*Canada*

DRAFT STUDY

prepared for

**TASK FORCE ON LABOUR RELATIONS**  
(Privy Council Office)

*L. Studios 1*

PROJECT NO.: 56

Submitted: APRIL 1968

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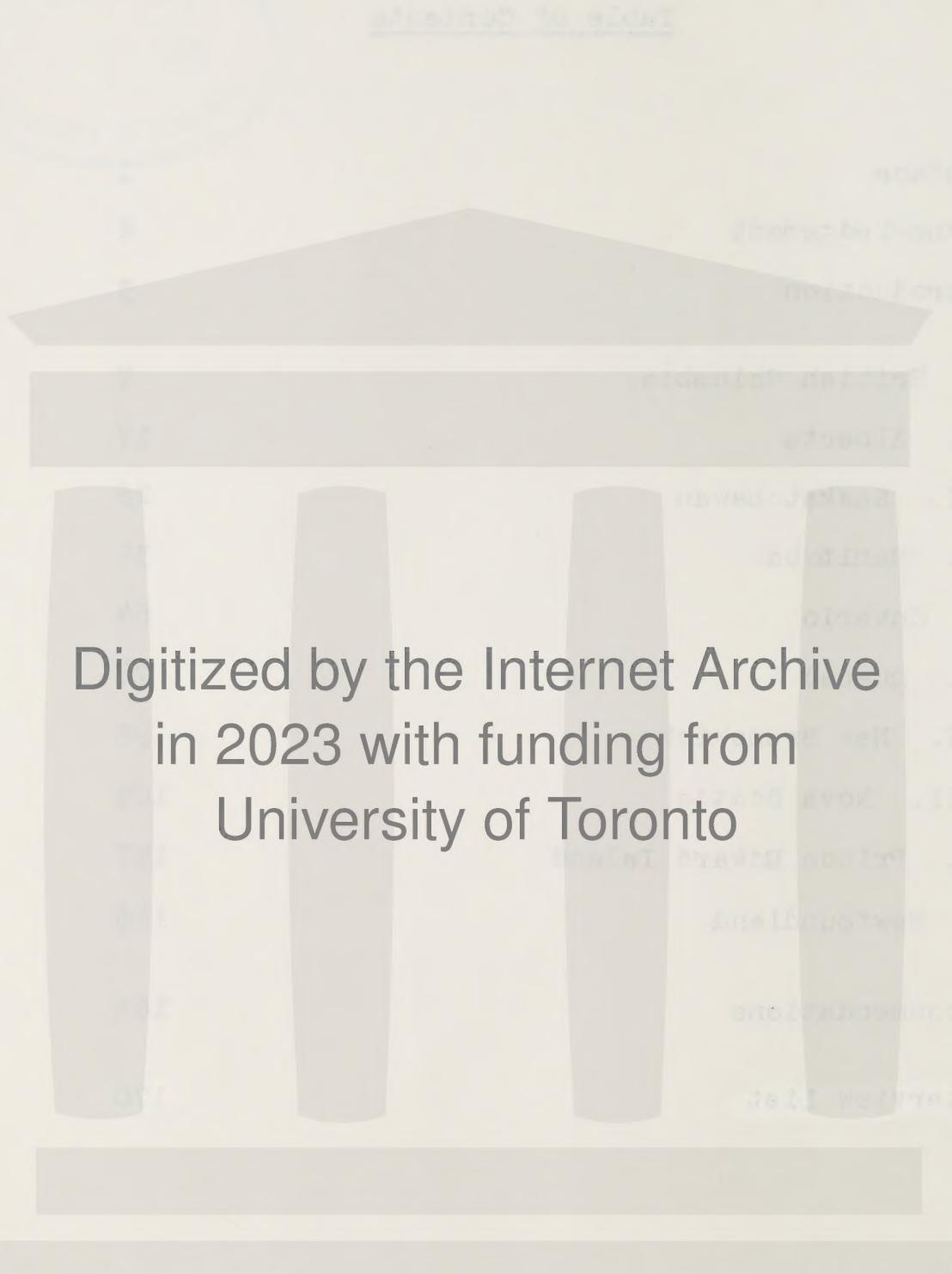
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## PREFACE

In this study the body of the report incorporates the frank and free expression of people who have been involved, often very deeply, in labour-management relations. While their viewpoints may not be scientifically categorized or statistically recorded, the views expressed in this study are those of the people interviewed who co-operated sincerely. They responded willingly and frankly when approached in connection with this research project for the Task Force on Labour Relations in Canada.

The views and opinions expressed by the people who were interviewed remains confidential. No personal names are recorded in the body of the report,

It will become apparent to the reader that the project soon became a study of human relations involving "people and emotions." Industrial relations is an experience in communications between and among people. The record of the joint committees outlined in this report reveals the efforts made by labour and management to develop effective and responsible channels of communications. In general their objective is to create a climate in which mutual trust and co-operation leads to social dynamics in labour-management relations.



ACKNOWLEDGEMENT

I wish to gratefully acknowledge the co-operation and hospitality received in every province of Canada from the people who were approached in connection with this research project for the Task Force on Labour Relations in Canada. Special appreciation is due to Mr. Keith Cowan of the Economic Council of Canada who gave so generously of his time and experience in order to help "launch" this particular research project.



## INTRODUCTION

This study is an examination and assessment of joint consultative committees and the channels of communication which have been established formally or informally among labour, management and government at the provincial level in the provinces of Canada. Each of the ten provinces was visited for this study and interviews held with leading management and labour representatives, with provincial and federal government officials, and with academicians at universities.

While a formal and objective questionnaire was not prepared for the interviews, nevertheless a framework was used for the guidance of the discussions. The framework covered the following headings: factors contributing to the establishment of joint councils; organizational and financial structure; attitudes and atmosphere; scope and terms of reference; relations with government; and accomplishments and future goals.

A set questionnaire was not used for the interviews for it was discovered that a rigid outline would not be applicable to each provincial experience. Thus the framework stated above provided an outline flexible enough so that it the interviewer was not ~~A~~ who suggested the answers but the persons interviewed provided them. The framework in detail attempted to discover

the following:

- (1) What factors led to or contributed to the establishment of a joint labour-management committee in the province? What were the economic conditions generally? Where did the initiative come from,--government, labour, management, or university?
- (2) What kind of organizational and financial structure was established to facilitate the functioning of the Committee? What is the size of the Committee? How are members appointed? How independent are they? What is the role of the Chairman? How is the Chairman selected? Is there a term of membership? How is the Committee financed? Do members and the Chairman receive fees and how much?
- (3) What kind of atmosphere prevails at the meetings and what are the attitudes of members? How formal or informal are the meetings? How is agreement reached? What is the climate in which discussion takes place? Is there a power relationship among the members? Are unusual leadership qualities required for participation on joint committees? How much unity is there in labour and management circles? Has a channel of communications been established? Is there any filtering downwards of the spirit of the joint councils to lower levels of labour-management relations?
- (4) What has been the focus of the joint council? What is the chief area of discussion? What is the value of sub-

committees? Have formal terms of reference been adopted? Has there been an extension of scope from the initial area of study? If an annual conference is held, what is the purpose of the Conference? How are the joint conferences organized?

(5) What is the relationship of governments and joint councils? How much government intervention is there? What kind of support or promotion does the government give? Why are governments encouraging joint committees?

(6) How would you assess the past experience of the council? What has been the accomplishments? Where do weaknesses lie? Where does its strength lie? What are the future goals of joint committees? Do they have a defined philosophy? What do they hope to achieve in the future?

The above presents the framework for the discussions which directed the interviews. It must be recognized that events, circumstances and legislations differ from province to province, the stages of development of joint councils also differ, and they differ in structure and personnel, as well as in attitudes and relationships with each other. It will be seen as the reader proceeds in the examination of the study that the framework becomes flexible to fit each

provincial experience, circumstances and background. In the provinces where no formally established joint councils exist, an attempt was made to discover how the unstructured channel of communications among labour, management and government functions. In addition, a point to mention in connection with this report, is that no attempt was made to provide a concluding or summing-up section at the end of each chapter, as an evaluation of the province's experiment with joint councils. This was intentional, so that the assessment of the joint committees is directly written into the report on each province.

The final chapter offers recommendations which have been considered in the light of the study of the provincial experiences in joint consultation. The recommendations apply at the federal level. Since they are intended as a guide for the Task Force on Labour Relations, they do not represent a comprehensive structure. Rather the intention is to present two ideas of a general nature which emerged as a consequence of this research project, and which would need further thinking and elaboration for any practical application or implementation. The two following recommendations are made:

(1) that an Industrial Relations Council of Canada be established, and (2) that a Summit Conference on Industrial Relations be called every two years. These recommendations are elaborated in

BRITISH COLUMBIAThe Committee

On February 3, 1966, the Hon. L. R. Peterson, Minister of Labour and Minister of Education, announced in the British Columbia legislature a proposal to establish a joint committee known as the British Columbia Labour-Management Committee. The Committee was formally set up with five representatives from the management side and five representatives from labour, and a Chairman and Vice-Chairman. The Chairman holds the office of Deputy-Minister of Labour and the Vice-Chairman is Director of the University of British Columbia Institute of Industrial Relations.

At the time of my visit in late July and early August, 1967, only two meetings of the Committee had been held, one in August, 1966, and one in December, 1966. The reason stated for the infrequency of the meetings was the serious illness of the Chairman. The Vice-Chairman did not call the group together in the absence of the Chairman. I learned, however, during my visit to Vancouver, that the Vice-Chairman received a call from the Minister of Labour suggesting that he call a meeting of the Labour-Management Committee in the absence of the Chairman. Subsequently in a follow-up letter which I received from the Vice-Chairman, I learned that two meetings were held, one in October, 1967, and one in December, 1967.

Of importance to note is that the personnel of the Committee was changed since it was first introduced in the House. The change occurred because labour was not very enthusiastic

initially about the selection of members to the Committee. Labour reacted negatively when the Minister made the first appointments because they were not consulted. Later when certain changes were made in the membership of the Committee, labour gave their support.

### Background

A dispute in the oil industry in 1965 led to a threatened general strike in the province of British Columbia. The strike was called off but the possibility of the consequences shocked the government into action. Not only was a labour-management committee set up in this particular industry, but the government also took steps to establish a joint committee at the provincial level. The labour and management representatives of the committee who were interviewed both believed that it was this situation in the oil industry which brought the idea of a joint committee to a reality at the provincial level.

A management representative also claimed that four years ago he proposed to the C.M.A. that a joint committee be set up between labour and management with no government nor university participation. The C.M.A. supported the principle and they included it as a recommendation in their annual brief to the government that same year, as well as the following year. The C.M.A. met with the Minister of Labour and the Deputy Minister of Labour to discuss the idea. However, the Minister of Labour was hesitant in his support due to the inconclusiveness of the terms of reference for such a joint committee. It was after

this preliminary discussion which took place that the province was threatened with the general strike when the dispute flared up in the oil industry. The situation then climaxed the setting up of the Joint Committee at the provincial level.

On the labour front, it was stated that the unions had been dissatisfied with labour legislation in the province for many years, and they were demanding changes to the Trade Union Act. In addition, labour unions in the province were concerned with the impact of automation, and they felt government should take a lead in bringing labour and management together for the purpose of attempting to find solutions to the problems created by the automation impact. The automation impact is very severe in the oil industry, for example, and the union desired to get advance notices from the company regarding technological change. The union demand was presented in negotiations but no settlement was reached through collective bargaining in 1965. When the B.C. economy was threatened with a general strike the government intervened in the dispute and recommended that a labour-management committee be set up in the industry. This was done and the committee is still functioning.

Labour however saw a need also for a broader committee; a committee limited not only to a particular industry but on a provincial basis. Thus both labour and management in British Columbia gave support to the idea of a joint committee at the provincial level.

In addition, about four years ago, the Economic Council of Canada in promoting the setting up of provincial economic

councils, also tried to promote a joint committee of labour and management in B.C. At that time it appeared as if labour and management were ready for some action of this kind, but when government stepped in too, both sides backed down and became very suspicious of government interference.

### Structure

The British Columbia Labour-Management Committee is composed of a Chairman, Vice-Chairman, and ten members; five members representing management, and five representatives from labour. In addition, an administrative officer from the Department of Labour attends meetings in the capacity of a Secretary. The meetings are also attended by the Assistant Deputy Minister of Labour and the Research Director of the B.C. Department of Labour.

The Committee is a government appointed committee. The B.C. Federation of Labour voiced objection to the manner of appointment initially, since the Minister of Labour did not consult with labour in the selection of the labour representatives. The B.C. Federation of Labour objected on principle since there is a provision in the constitution of the Federation which states that members appointed to outside Committees as labour representatives must be approved by the Federation. Therefore the Federation approached the Minister in this regard and some changes were made and the members named to the Committee are now those suggested by the Federation.

Labour also voiced objection to the lack of specific terms

of reference when the Minister proposed the Joint Committee. The B.C. Federation of Labour stated that specific terms of reference would be needed so that the Committee would not become a catch-all for numerous issues. Labour feared their position would be compromised if the government did not spell out more direct and specific terms. For this reason support from labour was not too whole-hearted when the proposal to set up the Committee was made by the Minister of Labour.

It was pointed out by the management representative that labour was using this as an excuse. They were reluctant to endorse the Committee for fear they would be working against their own organization. They feared that by supporting a joint committee they could not pressure government separately on certain issues which would eventually be discussed and agreed to by a joint committee. The management representative also acutely pointed out that in addition there was a political problem for labour. Since the B.C. Federation of Labour was supporting the N.D.P., labour felt they were being "hooked" to back the Bennett government if they supported the joint committee.

### Finances

There was little information given about the financial structure of the B.C. Committee. There is a budget which was transferred from the B.C. Planning Committee. This latter group organized a number of labour-management conferences previously. This function will now be taken over by the Joint Committee, although

currently no plans have been made for a labour-management conference in the near future. The Committee members receive no fees.

#### Problem Areas

Although the Committee had met only twice before my visit to British Columbia, a number of potential difficulties were mentioned in connection with the functioning of the Committee. In the first place, a management spokesman maintained that in his view it was not a good idea to have the Chairman of the Committee hold the office of Deputy Minister of Labour. In such a situation, the Chairman is in a very awkward position because he is also a civil servant. This management representative maintained too that he believed the problem of injunctions was a very timely one for discussion by the Committee. Although he did not think the B.C. legislation needed amendments on this issue, he claimed that procedures or broad guidelines were needed to be set for injunctions.

Labour voiced opposing views on the wisdom of discussing the question of injunctions by the Committee. It was pointed out that when the Trade Union Act was amended in 1959 (Bill 43) labour unions lost many rights. Bill 43 inserted a section regarding the issuing of injunctions which made it easy for employers to use it against unions. The Bill also placed severe restrictions on the use of picketing. The Bill was regarded by labour unions as being very harmful and damaging to labour-management relations in the province. Thus unions

became disatisfied and demanded changes. It was pointed out that labour had been requesting the government to set up a Commission on Injunctions. Labour felt that the topic is more properly the subject for study by a Commission rather than for study by a joint committee. The topic remains a "hot one" for discussion by a joint labour-management committee for in principle labour unions want injunctions completely outlawed. It is felt that neither side will give and labour will not submit to a compromise on this issue. The problem of injunctions is too "emotional" it was claimed by a labour representative and any discussion on injunctions by the joint Committee could have a bearing on the future functioning of the Committee. He did not think that it was wise at that time to bring it up for discussion.

Labour believed that a more "proper" subject for study by a joint committee was that of automation. The problems which arise due to the pace and changes brought by automation were too serious and too widespread for solution through individual collective bargaining. It was felt that government should take a lead in this area and should attempt to bring together labour and management to find solutions to the problems created by the automation impact.

Related to this and in addition the problem for labour is this: will support of a joint committee blunt labour's role in the political arena? As a legislative lobbying group will support of a joint committee by labour minimize the effectiveness of the political action of unions? These were

some of the uncertainties mentioned by the labour representative. Labour is on record as supporting in principle a joint labour-management committee, but they prefer to have discussions on such problems as automation where guidelines could be set for individual bargaining, rather than to discuss issues on which compromise is difficult or even impossible. It was pointed out that labour and management agree in general with regard to the benefits of automation, but guidelines are needed because dislocations occur and adjustments to automation create specific and serious problems which need special examination and consideration. It is in this area that labour feels a joint committee could do the most good by joint consultation.

#### Goals

It was believed that labour and management are ready to work together in British Columbia but that leadership was very important for the positive functioning of the Committee. However, an informal labour and management relationship has existed in the province previously, and some resistance to a structured communications channel might develop it was pointed out. But in general a great deal of optimism was also voiced by those interviewed. It was maintained that the Labour-Management Committee afforded a good opportunity for a continuing and free dialogue between labour and management away from the bargaining table. Good common sense and a sense of public purpose will carry such a Committee it was maintained by a management representative.

The view was also expressed about the B.C. Labour-Management Committee at that time (August, 1967) that the Committee was "just breathing and nothing more." Nevertheless although the present Committee has not been very active it was hoped that it would soon get off the ground, (especially after the Chairman recovers from his illness and is able to take the lead again), and that labour will not back down in their support.

It was pointed out too that there will be more optimism with regard to the effective functioning of the Committee when labour begins to trust the government and the Minister of Labour.

#### Follow-Up

Following my visit to British Columbia in the summer of 1967, I learned through correspondence that the British Columbia Labour-Management Committee held a meeting on October 5th, 1967, and that they were planning to meet again in December, 1967.

At the October meeting a talk was given by the Regional Manpower Director on manpower problems. Out of that discussion grew a decision by the Committee to look at some of the issues which were considered important and on which the Committee felt that they could make some recommendations with regard to manpower policies.

Also at that meeting a statistical survey of injunctions issued in the last few years in British Columbia was received by the Committee. This survey had been compiled at the Committee's request by the B.C. Department of Labour. The report is to be studied by the members of the Committee and further meetings were to be held to discuss it.

BRITISH COLUMBIAMembers of the B.C. Labour-Management Committee, 1967

Chairman - W. H. Sands, Deputy Minister of Labour

Vice-Chairman - J. T. Montague, Director, Institute of Industrial Relations, University of British Columbia

Management Members - John Billings, President, Forest Industrial Relations Ltd.

D. R. Blair, President, Pulp and Paper Industrial Relations Bureau

R. K. Gervin, Manager, Labour Relations Amalgamated Construction Association of B.C.

C. H. Mitchell, Secretary, The Mining Association of British Columbia

R. S. S. Wilson, President, Wilson Industrial Relations Ltd.

Labour Members - S. G. Green, International Vice-President, Pulp Sulphite & Paper Mill Workers

George Johnston, Secretary-Manager, Amalgamated Meat Cutters Association

E. M. Lawson, President, Teamsters' Joint Council No. 36

J. A. Moore, President, Western Canada Regional Council No. 1, I.W.A.

J. R. St. Eloi, Business Manager, Plumbers Local No. 17

ALBERTACommunications

In Alberta there exists no joint labour-management consultation committee at the provincial level. There is, however, a very informal channel of communication which the government encourages as a means of keeping in contact with labour and management in the Province. At the present time this method is possible since the person in the office of the Deputy Minister of Labour is a very strong and forceful individual. His status and his personality combined have enabled him to become influential as the decision maker with respect to labour legislation in the province.

The informal procedure which exists in Alberta begins when the government announces publicly through notices in the press that a review of the Alberta Labour Act will be made and that the Act will be opened for any revision necessary. It is an unwritten policy that this is done every three or four years. The last revision was in 1964 and therefore both labour and management were expecting an announcement to be made by the government very shortly.

In the public notice submissions are invited by the Minister and a public hearing is held to discuss proposals for amendment. Labour and management groups make separate submissions. At the public hearings a formal presentation of the briefs is made and the Deputy Minister is ready to answer any questions. The public is invited to attend the open hearings. In addition to

these discussions the Deputy Minister also meets privately and separately with labour and management groups in an informal and friendly fashion. An interesting observation was made by a labour representative when he stated that the government is very adept at public relations. For example, when the labour representatives appear before the Deputy Minister they are always very warmly received and although the labour group voices strong protest against some aspect of labour legislation or government policy, and they "give the government hell", they leave the meeting with the same warm hospitality at the time of departure as they received in the welcome. Some members find such hospitality awesome, while others see it as a screen and an insincere tactic. Another habit on the part of the government was noted by a management representative who observed that the custom was to bring in a very drastic/bill, and then to change it in response to the reaction received from management and labour. Labour representatives also observed this habit of the government to present a draft bill which would have dire and drastic implications if passed. Government then points to the amendments made and they claim that they were put through as a result of the presentations received from the parties and that government was responsive to such briefs.

#### Attitudes - Labour View

In addition to briefs presented to the government in the year in which the government announces that the Labour Act will be opened for amendments, labour presents annual briefs

to the Alberta legislature based on resolutions and recommendations stemming from their convention. There are no joint presentations with management, but in some cases, in the construction area for example, both the labour and management briefs contain similar positions on some questions although they make separate presentations. This is due to some informal discussion by telephone before the briefs are actually sent.

However, the opinion was expressed by the labour group that there is a need for some form of official communication between labour and management, with the government taking the lead. The view was expressed that something along the lines of the Nova Scotia Joint Study Committee would be a "good thing." However, there was the uncertainty expressed that management in Alberta might not be interested, and that participation by management would not be by executives who had decision making authority.

Furthermore, a joint committee of labour and management, it was felt, would be a "good thing" so long as the lawyers were not involved. A labour leader stated the opinion that the intrusion of lawyers into the industrial relations area was "bad", since labour relations should be as far removed from the courts as possible. Lawyers are finding this area to be a lucrative field and the tendency for the legal profession to become involved has been the cause of much delays in industrial relations and their intrusion has tended

to provoke dissatisfaction.

Labour representatives believed that there was a need for some form of structural and continuing communication at the provincial level. It was stated that the "strong arm tactics" used by labour in its pioneering days are no longer effective and communication between labour and management ought not to be limited to meetings only in times of crises at the bargaining table. But there was little indication that management was interested in communicating with labour, it was believed. It was stated that the provincial government should promote labour management co-operation by creating the climate for such a relationship through legislation which gives to labour the right to organize and be recognized. It was claimed that many managements, particularly of small firms, bitterly oppose workers' organizations in Alberta.

#### Attitudes - Management View

Among those interviewed the people on the management side did not see a need for joint consultation with labour. It was stated that they were satisfied with the existing informal procedure for contact with government and they saw no need for a continuing permanent form of consultation with labour. The point was made that in communications with government, they "do not always win, but they always get a fair hearing." Their emphasis in industrial relations tended to focus on the importance of labour-management relationship at the "grass-roots"

level, rather than on a higher basis. It was stressed that negotiations in Alberta take place at the local level and the various crafts all negotiate separate contracts. Master agreements are not widespread.

There was no enthusiasm or optimism expressed by the management group towards the idea of a joint labour-management committee at the provincial level. It was stated, however, that with the spread of industrial unionism in the province the need might arise for such consultation in the future. The group expressed the view that the business agents and union officials in leadership at the present time were in general stable and moderate men in contrast to the arduous unionists of Eastern Canada. Union organization in Calgary and in the southern part of the province, however, displays more fervour and solidarity than in Edmonton. But in general labour unrest in the province is not serious and is not widespread. The organized units are relatively small and concentrated in the craft area.

The management group also mentioned the factional division within the Alberta Federation of Labour over political policy and affiliation. This has tended to create disunity within the union movement in the province.

The management representatives also expressed the fear that joint labour-management consultation would lead to an erosion and chipping away at management prerogatives or management rights.

They maintained that their concern was that labour would get greater benefits from such an arrangement than would management. So long as the present Deputy Minister was in office they believed that there was no urgent need for a joint committee. When the present Deputy Minister of Labour retires the climate will no doubt change, and then labour and management might get together to influence legislation and government policy. They held the opinion that the present Deputy Minister of Labour created a good climate as mediator or liaison between labour and management in an informal way, and there was no need for a formal system of communication. But it was also disclosed that the idea was expressed recently in the meetings of the C.M.A. and the Chamber of Commerce as a suggestion that labour and management might "get together" to make a submission for the next opening of the Alberta Labour Act.

The group of management representatives from the C.M.A. and Chamber of Commerce who were interviewed appeared to be a moderate group and expressed no anti-union sentiments. They even praised the present union leaders in the province as responsible and stable. But they feared the "rabble-rousers" and more militant labour leadership coming in with the spread of unionism in the industrial areas of the province. They made the point that they have seen some union business agents "short circuit" democracy in their dealings.

They also made the point that too many academics were

becoming interested in industrial relations and that their approach tended to be too theoretical. This tended to obstruct their view of the practical problems of industrial relations and led them to make and arrive at naive conclusions. They claimed that they would not be particularly happy to see the university participate in the establishment of labour-management consultation committees because they did not believe "eggheads" understood the problems of labour-management relations in a realistic way.

In general the management group preferred to approach their labour-management relations at the "grass roots" level and did not see any value or need for a provincial committee since the informal channel of communications was believed to be effective at this time.

#### Current Problems in Alberta

On the labour scene, members of both management and labour brought up the division in the Alberta Federation of Labour regarding the political policy of the Federation. The Federation is committed to a political policy, but not all of its affiliates support the same party. The building trades, for example, are not interested in any one political party and their political action committee does not support political affiliation with any single party. They go along with the old A.F.L. line of non-commitment and are opposed to the

S.L.C. recommendation of political alignment with the N.D.P. Thus an ideological conflict is present in the Alberta Federation of Labour.

Management representatives stated that the foremost problem in the province was Part V of the Alberta Labour Act, and that particular section required amendments. Part V of the present Act deals with labour relations legislation including collective bargaining, strikes and lockouts, conciliation, and unfair labour practices. Management claimed that it tended to follow the Ontario Labour Relations Act in principle but that it was a patchwork due to various amendments and because Alberta is reluctant to take the lead in this area. Therefore, this section of the Act needs redrafting and there was hope expressed that a Committee of labour and management and government might be set up for this purpose. It was claimed that the government should take the initiative in setting labour standards, but that labour relations should be left as an area for collective bargaining.

Labour representatives spoke of the Alberta Labour Act as having "no teeth". They are still fighting for the right to organize and be recognized. The certification procedure has enough loopholes in it to allow almost 90 per cent of the employers to oppose application by the union. They challenge the majority presentation in order to forestall the vote and they even challenge the ruling of the Board with

the result that the case goes to the courts. In negotiations it was claimed that the process was slowed down so much that it simply dragged on if no settlement was reached. The whole procedure was not conducive to permitting true bargaining and management did not negotiate seriously until the strike vote was taken.

In general labour made the claim that unions were not given due recognition by law. They are still in the organizing stages and are not really fighting contractual battles yet. They are still fighting for the right to organize. Labour representatives made the point that the Act was too permissive in giving great powers to the Minister of Labour. The Minister has powers under the Act to fight strikes. It was claimed that he can "do anything" with the Act. Labour has attempted to close the loopholes and openings by recommending amendments, but they have not been successful.

A further matter which was of concern to labour was the increasing number of boards and tribunals in the province. Appeals often go to the same power for the Deputy Minister of Labour also holds the office of Chairman of the Industrial Relations Board. It was felt that the two offices should be separated and that the office of the Chairman of the Industrial Relations Board be divorced from civil service powers. Furthermore, at the present time, there were no rules and regulations established for the Industrial Relations Board and labour felt

that formal rules and regulations were very necessary. It was mentioned in this connection, that the National Bar Association has a Labour Relations Committee in Alberta and that Association held a meeting at which labour, management and government representatives were present to discuss labour legislation. A labour leader stated that many lawyers in the province see the urgency of establishing rules and procedures for the Industrial Relations Board and thus he thought that it would come in the near future.

In addition, labour pointed out that company unions are not outlawed in the province, and can be legally certified. Labour made the claim that employers get company lawyers to set them up and management uses them as a second line of defense to ward off a legitimate union. Furthermore, it was also pointed out in connection with unfair labour practices, that the Industrial Relations Board has no power to order reinstatement of an employee who is dismissed for belonging to a union.

A labour spokesman pointed out that there is no University interest in labour-management relations in the province, but that individual faculty members, particularly in Business Administration, were involved in industrial relations and act on Boards of Conciliation.

It was observed that Alberta is still an agricultural economy with a religious reactionary government;—status quo

government, and they will only move when pressed hard. A labour leader claimed that the right leadership is important for the functioning of a joint committee. But government must also be interested in promoting labour-management co-operation and creating a climate which is conducive to such co-operation.



SASKATCHEWAN

In Saskatchewan there is no permanent joint labour-management committee at the provincial level. In 1965 an ad hoc Labour-Management Legislative Review Committee was set up to report on the Trade Union Act with respect to proposed amendments to the Act. It should be emphasized that this was an ad hoc arrangement established for a specific purpose.

Events Leading to Establishment of the Labour-Management Legislative Review Committee

Saskatchewan had a labour government for twenty years. It was pointed out that it had been a "New Deal" government. With respect to labour legislation the government was interested in encouraging union growth and they were not worried about "disputes settlement" legislation. The original Trade Union Act in Saskatchewan incorporated the principles of the U.S. Wagner Act legislatively and administratively. There were no restraints on unions, only on managements, it was stated. For example, only individuals were liable under the unfair labour practices clause, but not the trade unions.

A management spokesman claimed that the Act had developed over the years with the tenure of the former government, which had been in power for twenty years. It had arrived at the point where the legislation was unduly weighted towards the power of unions. The establishment of the ad hoc committee to review the Trade Union Act was an election promise which the newly elected government kept when it took office. A government official in the Department of Labour observed that the government had no idealistic motive in establishing the Committee. Rather there

was a great deal of political pressure on the newly elected government to do so. It was in return for the support received during the election that the Liberal government when it came to power established the Committee to review the Act.

However, prior to the establishment of the ad hoc Committee the government submitted a draft bill which embodied amendments to the Act. One labour spokesman claimed that it was a "bad" piece of legislation. It covered such items as the introduction of compulsory arbitration into agreements, it dealt with government supervised votes, it excluded professional people from bargaining units, and it stated that collective bargaining contracts were enforceable by law. The Federation of Labour went to the Premier and persuaded him to withdraw the draft bill. He did so, but his condition was that a committee would be set up to review the Trade Union Act. The labour spokesman emphasized that the Committee was not established by mutual consent of labour and management with the objective of improving the Act, rather it was set up as a condition of withdrawal of Bill 86.

The Chairman of the Labour-Management Legislative Review Committee also discussed the draft bill. It was a "bad" piece of legislation he pointed out. It was poorly written and it had some "bad spots". Labour protested and the government "hoisted" it on the understanding that a joint committee would be established to review the Act. At the same time he disclosed that there was an unwritten pledge on the part of the government that it would pass the recommendations made by the committee in its report.

A management spokesman maintained that for years representation had been made to the previous government, by the C.M.A., by the Chamber of Commerce, by the Saskatchewan School Trustees Associa-

tion, by the Saskatchewan Construction Association, and the Saskatchewan Employers' Association.<sup>x</sup> The representations of these employer groups were of no avail until two years ago when the change in provincial government occurred. The management spokesman's view was that in the light of these representations the government believed it was fairer to set up a committee to study the Act rather than to have the internal machinery of the government examine it. His view was that the action of the government in establishing the ad hoc committee was in response to the briefs received from management groups.

A government representative maintained that the establishing of the Committee cleared the air in the province, but the motivation behind the action was political, and not concern with any industrial relations problems. He added that in general labour problems are not severe in the province for Saskatchewan is still primarily an agricultural province, with relatively little industrialization. He believed that labour unions consider not managements the enemy, but the present government.

#### Structure and Operation of Committee

By an Order in Council 1251/65, dated July 27th, 1965, the Labour-Management Legislative Review Committee was established for the purpose of studying the Trade Union Act and making recommendations for amendments to the Act.

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<sup>x</sup> This latter group is an association of individual employers in the province formed about 25 years ago with the aim of bringing to the attention of government the pitfalls of legislation. It is, however, not a very influential group. One labour leader termed it a "right wing Birch society."

The Committee published notices in the newspapers throughout the province inviting submission of briefs and setting out the date and place of sittings. Public hearings were held in Regina and Saskatoon. In addition to the public discussions and written briefs received, the Committee also studied the industrial relations legislation of other provinces of Canada. The Committee as the Chairman saw it, was concerned with the rights of the individual worker within the unions. In their report and recommendations the preliminary remarks contained a statement of principles which/guided the work of the Committee. It was declared that negotiations between labour and management should be carried on with as little outside interference as possible. Furthermore, it was stated that in contrast to other provincial acts, the Saskatchewan legislation hedged in the process of collective bargaining with many restrictions. It also gave the government the right to interfere whether or not such intervention was desired by either party. The principle emphasized that only when the public interest is at stake is government interference justified in the process of free collective bargaining. The second principle set out in the preliminary remarks of the report stated that the Committee was guided by the view that the individual employee's rights were to be protected under the Trade Union Act.

The government appointed the members of the Committee after consultation with labour and management groups. The Chairman and Vice-Chairman were strictly government appointees and the members were not consulted. It was pointed out that the government did consider the idea of appointing a Chairman from outside of the province, but no direct move was finally made on this decision.

The statement was made that the Chairman was appointed because he was a skilled mediator and he had stature in the community, and the Vice-Chairman was chosen because he was "a good Liberal." Three management representatives were appointed after consultation with employer groups. The statement was made that the three management representatives were "anti-union" and thus the power side was on the management/right from the beginning. Three representatives from labour organizations were also selected. The government approached the Federation of Labour and one member was chosen as recommended. The government also approached the Association of Building Trades Unions and the Saskatchewan Government Employees Association and each group recommended a representative. (The latter association is not affiliated with the Saskatchewan Federation of Labour and C.L.C. In 1962 they withdrew their affiliation for political reasons.) In addition to the Chairman, Vice-Chairman, and six members (three labour representatives and three management representatives) an employee of the Provincial Department of Labour acted as Secretary for the Committee.

In the structure of this Committee the role of the Chairman was to try to reconcile the different views of the members and to help them to come to a compromise over issues. If a deadlock occurred the Chairman imposed his views. The general feeling was that the Chairman did not side with one party or the other as he took on the role of mediator. The observation was made that the Chairman and Vice-Chairman had been closely identified in the past with management. The Chairman was regarded as being fair and neutral as well as very knowledgeable with respect to the legal aspects of the law. The Vice-Chairman

could call the group together for a meeting in the absence of the Chairman, but this was not done. One management member of the Committee believed that the Vice-Chairman had a moderating influence on the group stemming from his experience in labour-management relations. Both the Chairman and Vice-Chairman had established themselves in practice as corporation lawyers.

The Secretary of the Committee had no vote, but he was of assistance with respect to providing information about other provincial labour relations acts in Canada. He expressed his opinion informally when consulted. And he also assisted the Chairman in writing the final report and recommendations.

It was stated by those interviewed that a friendly spirit prevailed in the Committee meetings among the members. Although no votes were taken a kind of bargaining tone developed in the sense of a give and take attitude. There was no government interference at all in the deliberations of the Committee. The tone of the Committee in general was constructive and the discussions were fairly frank and informal.

#### Finances

With respect to the financial aspect of the Committee, the Chairman and Vice-Chairman were paid professional lawyers' fees for their time and efforts, (the amount was not disclosed). The members were paid a \$25.00 per diem fee, plus expenses for travelling and meals when they met for hearings out of the capital city. The total costs of the Committee were borne by the Department of Labour's budget.

SASKATCHEWANMembers of the Labour Management Legislative Review Committee,  
1966

Chairman - E. C. Leslie

Vice-Chairman - Robert L. Pierce

Labour Members - W. Leonard

K. V. Busch

W. G. Gilbey

Management Members - A. G. Stewart

J. H. Grismer

R. Lindberg

Secretary - J. R. Parrott



MANITOBAOrigins

It was the provincial Department of Labour in Manitoba which took the initiative in 1964 in establishing on a permanent basis the Labour-Management Review Committee. With a change in government and a new Minister of Labour, there was also a change in the attitude of government. The Minister of Labour attempted to make himself available to both labour and management, but it was the person of the Deputy Minister of Labour who was actually instrumental in initiating joint labour and management councils. He also promoted consultative groups of labour and management, --separate advisory committees for the purpose of consulting with the Minister of Labour.

The origin of the idea of joint consultation stems from the belief that labour and management groups should meet outside of the bargaining rounds to discuss mutual problems. Interest in the idea led to the calling of two labour-management conferences in the province in 1963 and 1964 with the co-operation of the University of Manitoba. Small groups of labour and management representatives attended week-end sessions (approximately 30 to 40 people) to hear prominent speakers and to meet and talk together. Although the view was expressed that the conferences were successful in establishing good relations between the two sides, it was also observed that the management representatives in attendance tended to be from

the lower ranks of executive positions. It was claimed that top management people are in the head offices of their respective firms in the east, and not in Manitoba. Nevertheless, the view was held that these joint conferences stimulated interest in some form of permanent joint committee. Even before the second conference was called there was talk of a joint labour-management committee to review the Manitoba Labour Relations Act.

There was, however, no sharp industrial conflict or unrest which caused any sense of urgency to establish a permanent committee in the province. For years labour and management groups had been submitting separate briefs annually to the government with respect to amendments to policy on industrial relations matters. The Brandon Packers strike in 1962 did bring on Section 46A of the Act. The change in the legislation made unions legal entities and government supervised votes were also introduced. Both of these policies resulted from the strike, it was maintained, and both amendments were opposed by labour and supported by management. It was further claimed that the "paraphenelia" surrounding industrial relations needed to be clarified.

In addition, the Committee on Manitoba's Economic Affairs and the Manitoba Economic Consultative Board were interested in labour-management relations, but the problems of industrial relations were only one aspect of their broader interests.

Labour leaders in the province too have been interested

in involvement in community affairs and their experience in working on committees with civic leaders and employers, gave them a certain background which was conducive to co-operation on a joint committee.

Thus in Manitoba there was not the kind of sharp conflict or unrest as was apparent in other provinces when the Committee was formally established. The Brandon Packers strike may be said to have been an incident sharpening the awareness of certain individuals that some kind of joint committee was needed. In general this was the background out of which grew the permanent Labour-Management Review Committee, which is known more familiarly as the Woods Committee, after its Chairman.

### Structure

The Manitoba Labour-Management Review Committee is composed of equal representation of twelve members from labour and twelve members from management. In addition to the twenty-four appointed members there is a Secretary, an Assistant-Secretary, and the Vice-Chairman, and the Chairman.

In the selection of members, the Minister of Labour approached the Manitoba Federation of Labour for recommendations of names of persons who would be representative of the labour organizations in Manitoba. On the employers side he approached the Canadian Manufacturing Association, the Winnipeg Chamber of Commerce, the Mid-West Metal Mining Association, and the Winnipeg Builders' Exchange for suggested names of persons to

represent the management side of the Committee. It was disclosed that any successors in the future will be selected in the same manner. Originally the Minister of Labour was to act as Chairman of the Committee but at the first meeting the members decided to ask the Minister of Labour to withdraw from the Committee. If the Minister of Labour sat on the Committee there was the danger that he might commit himself to one side or the other. It was believed by the members that the Committee should have no direct government representation and no politics must enter the scene.

The Committee then agreed to the Chairman and Vice-Chairman named by the Minister. Both the Chairman and the Vice-Chairman were chosen firmly, it was pointed out, by the Minister and the Committee members. There were no objections raised by the Committee members to the names put forward by the Minister to fill the roles of Chairman and Vice-Chairman. It was disclosed that later some management members objected quietly but not strongly on the grounds that it was known that the Chairman tended to be labour-orientated. But there was no open discussion to replace either leader at any time. The appointment of a Chairman from outside of the province was chiefly due to the fact that the appointed person had an established reputation and stature in the industrial relations area. It was believed by some members that going outside of the province for a Chairman would result in a greater degree of impartiality. The Secretary and the Assistant Secretary are civil servants in the Department of Labour. They have no

vote on the Committee, and act in an advisory capacity to the members of the Committee.

In addition to the larger general committee composed of twenty-six members, the group decided to form a sub-committee of five management and five labour members, with an alternating chairman from each side. It was believed that this arrangement of forming a smaller group was more practicable with respect to operating as a "working" committee. The sub-committee reports to the General Committee, and the latter group has the power to accept, reject, or modify and amend any of the recommendations or conclusions of the sub-committee. Furthermore, a third level in the structure was also established in the form of even smaller working groups of four members only. There are six of these smaller study sub-groups, and these smaller groups examine specific issues, namely: labour standards, injunctions, legal entities, labour relations board procedures, public interest disputes, and construction industry problems. The smaller sub-groups make their reports to the sub-committee.

#### Financial Structure

The government of Manitoba pays for research expenses and any expenses for attendance of members of the Committee at conferences and seminars. Expenses and fees for speakers and participants are also paid for by the government when seminars

and conferences are held. The Chairman of the Committee is paid a retaining fee of \$300 per month in his work while outside of the province, and in addition he receives \$100 per day for the time he spends in Winnipeg. The Vice-Chairman gets \$50 per day for his services. The members of the Committee receive no fee, but are paid expenses to conferences and seminars. The government also pays for secretarial work, publications and legal advice for both sides in connection with the work of the Committee.

It was disclosed that the annual budget in the first year was from \$5,000 to \$6,000. Last year it was \$30,000, and the budget for the current year (1967) is \$45,000. It is estimated that the budget in general will be between \$20,000 to \$50,000, depending on the scope of the activities of the Committee, including seminars, conferences and research undertaken plus the annual fees.

It was pointed out that research is carried out in the Department of Labour and there is no separate research grant earmarked as such for the Woods Committee. But in a general way there is an attempt to estimate the amount which goes for research for the Committee, although this is not done on any formal basis. Research is conducted by the regular staff of the Department of Labour, as well as by graduate students and by outside individuals commissioned to do special studies,

for example, the study by Professor Anton on government supervised strike votes. It was pointed out that the government has always co-operated financially with the Committee and a government spokesman maintained that in his view perhaps \$30,000 to \$50,000 was a modest sum in view of the potential of such a Committee.

#### Terms of Reference

There was a suggestion from the Minister of Labour early in the history of the Committee that they consider the problems of automation, but the Committee members rejected the suggestion and agreed to review labour legislation at that time. The Committee examined the function of the conciliation boards and came to agreement on the issue of eliminating conciliation boards unless there was joint application from the parties to the dispute. Only two boards have been established since this recommendation was made by the Committee.

Although conciliation boards as a stage in the dispute settlement process is not eliminated by legislation, the Minister in practice follows this approach. The Committee believed that bargaining becomes more effective and proceeds on a better foundation when the parties do not look towards a conciliation board to make their compromises. A labour spokesman claimed that realistic and "true and firm" bargaining is more likely to go on under these circumstances. Furthermore the role of the conciliation officer is also strengthened. There is greater co-operation from the parties and their

attitude towards the conciliation officer becomes more serious. Thus it was maintained by the labour spokesman that respect and response develops on both sides of the bargaining table when conciliation boards do not loom in the background. This subject was one of the first discussed by the Committee and a joint recommendation made.

Another issue examined by the Committee was the government supervised vote. This too was eliminated upon joint recommendation by the Woods Committee. It was agreed that the government supervised/votes accomplished nothing and did not prevent strikes. A secret ballot <sup>strike</sup> vote is now held by the union and all employees have the right to vote.

The issue of injunctions was another problem under consideration. A management spokesman maintained that the view of the Committee was not to remove injunctions from the labour scene, but to amend the law so that it becomes more difficult for employers to get an injunction.

The Committee also reviewed the Nelson River project after being approached by the government. The Committee rendered a useful contribution in this project since its members are experienced leaders in industrial relations, and were able to offer valuable aid. However, in time the Committee withdrew and the officials involved in the Nelson River project set up a Committee of their own.

The Committee also discussed the procedures regarding unfair labour practices. The recommendation was made to have unfair labour practice cases brought before the Labour Relations Board rather than before the Courts.

These were some of the issues discussed by the Committee and joint recommendations made which brought change. Thus the focus of the Committee was on legislation with the aim of clarifying the Labour Relations Act in Manitoba.

#### Attitudes

The Committee is attempting to establish a relationship between labour and management which leads to mutual understanding. This relationship must be continuous if any effective channel of communication is to be maintained. The members of the Woods Committee come to a consensus through discussion, rather than by voting on particular issues. A formal agenda is drawn up for the meetings which includes reports and reviews of the work of the sub-committee and study sub-groups, but a member is not precluded from bringing up other topics for discussion.

It was observed that the relationship between labour and management is similar to a bargaining situation, in the sense that there is some element of a power struggle between the two opposing groups. However, there is not the same emotional strain or acute drama involved as in collective bargaining, for

the parties in the discussions are not directly bargaining over matters that are measureable in monetary terms.

As stated above, no votes are taken and no names are recorded in the minutes of the meetings. The Chairman, however, can sway the meeting since it was stated that he is definite in his views and "gets his way." The General Committee does not meet regularly, but two or three meetings are called by the Chairman annually. The working committee meets approximately once a month, but during the summer months the meetings slacken off.

A management representative claimed that in his opinion the Committee is like a "cat and mouse game" for the spirit is not whole-hearted. Management supports the Committee because they feel they have to protect what they have, but they are actually not gaining anything by being on the Committee. His view was that management operates on a "rear-guard action" on the Committee hoping they will not lose. It is for this reason he believes that the Committee has had very meagre accomplishments. He believed that government is using the Committee as an "out" as professional politicians to make their office "easier". Politicians are not as dedicated as in the past, and so this is understandable, he stated.

Another management spokesman claimed that management was fighting a "delaying action" for labour has very strong political influence. Employers are not innovators on the such industrial relations scene, and they support/a Committee

because they fear that labour might sway the government in their own interests for they have more votes.

The chief weakness of the Committee in Manitoba according to the viewpoints of those interviewed, was that there are not enough meetings of the General Committee. The meetings should be more regularized. The view was also expressed by both labour and management representatives that the role of the Vice-Chairman was as important as that of the Chairman, and that the position should be filled by a person who was not publicly active in any political party. There was at no time any accusation of political interference, but only the expression that at no level should politicians or people who were actively involved in politics be directly connected with the Committee. Some felt too that the position of the Chairman should be filled by a person from the province of Manitoba, an individual who would be in close contact with the industrial relations problems in the province.

It was maintained too by a management representative that working on the Committee was an "eye opener" with respect to a realization of the competence of the labour representatives. The atmosphere in the meetings is "reasonably amiable" it was stated, and there is no "fist-pounding." A labour spokesman admitted too, that good-will exists in the Committee but some members "are not exactly appreciated but

they are tolerated." In general there is more co-operation than conflict. According to a management spokesman the atmosphere is informal at the meetings and a kind of "negotiating atmosphere" prevails as a certain "state of mind" is being developed. Management is interested in labour peace. While there are conflicts at times and a clash of interests and personalities, there is also an awareness of common interests. Initially the General Committee was looked upon as being unworkable and some tension arose. But good-will developed as the structure was broken down into more workable groupings.

#### Individual vs Organization

A senior spokesman for management claimed that he had hoped for a clearer and better understanding of the role of the parties to develop in the Woods Committee. When asked whether the members of the Committee spoke as individuals or as representatives of certain organizations, the answers were not clear-cut. Two labour spokesman claimed that they expressed the viewpoint of the Federation of Labour and that they were on the Committee as spokesman for labour. Another labour leader maintained that the members of the Committee are independent and although members consult with the organizations they represent, his feeling was that no member is regimented by organizational policy.

A management representative pointed out that he speaks

for the association which he represents and he believed that other members of the Committee also spoke for their own organization, although they might say they spoke as individuals. A management member reports to the C.M.A. monthly but he claimed that he spoke as an individual in the Committee discussions.

A management spokesman pointed out that this problem regarding the independence of members was discussed during a meeting of the Woods Committee. It was agreed then that the members should speak as individuals rather than as spokesman for any particular group or organization. A management member claimed that he believed a weakness of the Committee was that the labour members did not speak as individuals because they were pressured by their organizations to express the policy of the union. He stated that because of the elected status of the labour leaders in their organizations, this position is difficult to overcome. Labour leaders have more pressures on them from the rank and file members of their organization, and therefore, it is a problem. The management member maintained that employer representatives are in a more advantageous position in this case to speak as individuals on the Committee because of their broader knowledge of labour-management relations, and because they are not filling elected leadership positions, as are the union representatives.

Government and the Committee

As stated above the government in Manitoba, through certain active and enthusiastic supporters and promoters, provided the impetus for the establishment of the Labour-Management Review Committee.

In discussing the role of governments in connection with joint labour-management consultative bodies at the provincial level, there was almost unanimous agreement that government should not interfere in the work of these committees. In a number of instances it was declared that the universities should be the leaders in setting up such committees, but with the support (but without interference) of the government, and governments should remain in the background.

In Manitoba the Committee makes an annual report to the Minister of Labour and there is no direct government interference in the work of the Committee. The relationship of the key people involved, however, is perhaps unique in Manitoba. There is a personal relationship and friendship among officials in government and the Chairman which provides a kind of instant and constant communication between the Committee and government. There are "mixed feelings" about the existence of this relationship, it was pointed out, for it has both advantages and disadvantages. The advantage is that the government is aware of the thinking and climate of opinion in the Committee. This makes the government more receptive or conditioned to joint recommendations submitted

by the Committee. The main disadvantage of such a close relationship, on the other hand, is that the Chairman may be influenced by politics and thus be unable to fulfill his role as a non-partisan leader. In general, the opinion was strongly expressed that the Committee should work independently and not become too close to government. A more remote relationship between the Committee and the government enables the Committee to chart its own direction or course.

Examining the question as to why governments are supporting and encouraging joint committees in Manitoba and other provinces in Canada, the discussion indicated that labour and management representatives believe it is to the advantage of governments to do so. A labour leader pointed out that "political expediency is high in the order of the day for governments and that governments are always suspect" when giving support to endeavours. In his opinion there is no interference by the government on the Woods Committee. Another labour spokesman stated that the Manitoba government provides research for the Committee and he does not object to government support as long as the Committee is not used as a "delaying tactic" for the passage of legislation. That is, if change is needed the government should not necessarily put the matter in the hands of the Woods Committee and delay urgent action. The "critics" of the Woods Committee claimed

that the Committee was used as a "smoke screen" by government to hide the fact that the government failed to act. The Manitoba government in fact has declared its own moratorium on labour legislation by not introducing amendments and the delay is attributed to waiting for the report of the Woods Committee, it was claimed. These "critics" believed that the Committee accomplished little in the three years of its existence.

In principle, however, the "critics" too are in favour of labour and management meetings, but the dissatisfaction in Manitoba appears to stem from a lack of evidence of major changes being obtained by the Committee during its existence. One labour leader stated that it is government responsibility to set policy and that labour and management have rigidly opposed positions, and thus they can reach unanimity on minor issues only. He would still prefer to see two separate submissions to government from labour and management. He claimed that the Committee was promoted by the government to make it "easier" for themselves.

A management member also maintained that the government was using the Committee as an "out" and since they were professional politicians it was understandable that they should use the Committee as a technique to make their office "easier". Another management spokesman stated that the Committee provided good communication for the Minister of Labour with

labour and management and this leads to "some easing and clarification" of labour legislation.

Another interviewee pointed out that governments are lacking knowledge in the labour-management relations area and evidence of this fact is that labour legislation in Canada has tended to be emergency legislation. Therefore, the government is enthusiastic about receiving joint recommendations from labour and management in areas affecting their interest. This spokesman also stated that governments must not forget that public interest must also be considered and protected, for the recommendations received jointly or separately from labour and management will reflect their own interests first. It was up to government to see that the general public interest is also protected. He claimed that the Committee was not used as a delaying mechanism by the Manitoba government. The government of Manitoba was mainly a "farmer" government, and joint recommendations from labour and management probably result in more gain for both sides than would otherwise be the case.

In the opinion of a senior civil servant the government has been accused of making its position more comfortable through the Woods Committee. It is admitted he said, that the presence of a joint committee eases the strain and pressure on the Minister of Labour. The opposition to the present government in Manitoba claim that the Committee is used to

shift responsibility but at the same time it is also admitted that the Committee has done some good. However, for political reasons the opposition does not wish to praise too highly the Minister of Labour for setting it up.

In his view the function of a joint Committee is not simply to make the government more comfortable. The Committee acts as the voice of moderation and without the functioning of such a Committee the government would receive extremists views. Joint consultation in his view, can produce the right kind of legislation which contributes to the interests of the whole community. The presence of a joint Committee does not necessarily rule out conflict, for there is real value in conflict itself, but an effective and active Committee generates a dynamism of its own.

The point was also made that the success of a joint Committee is also influenced by the attitudes and characteristics of the people involved. In Manitoba the extreme climatic conditions and relative isolation make people more willing to co-operate and to work on their problems together. People do not get so emotional over strikes, for example, as in the eastern provinces. In general the population is less aggressive and less ambitious economically. Competition is not as keen as in the eastern provinces of Canada. It was claimed that there is in the midwest an almost inherent willingness towards co-operation which, it was believed, can be attributed to the environment.

Communications

The Woods Committee does not receive a great deal of publicity in Manitoba, but the interviewed members stated that they approved of this position. This prevented interference from pressure groups and prevented the Committee from receiving unsolicited briefs. The Committee does not wish to be in a "gold fish atmosphere" for it can function more effectively by working in private. The "man on the street" does not know that the Woods Committee exists, but it was believed that it was not necessary to publicize it. In the annual report of the Provincial Department of Labour a report is published on the structure and work of the Committee. The Woods Committee itself makes an annual report to the Minister of Labour outlining its activities for the year.

There was some communication between the University of Manitoba, and labour-management groups in the province a few years ago. The University was involved in the earlier labour-management conferences held in the province for they were organized through the Extension Department of the University. It was disclosed by a labour leader that the University is attempting to establish an Industrial Relations Centre at the University of Manitoba and while nothing has been finalized he believed that it has stirred up interest in labour-management relations. The University does offer a three-year certificate course in labour economics through the Extension department,

and the graduates of the course do supply a "good crop" of the leaders of the labour movement in the province. About 80 per cent of the executive officers of unions have been through the labour certificate course. It was claimed by a labour leader that the labour movement in the province has able leadership and workers in the younger age bracket are keen and dynamic union members and leaders. About 33 per cent of the workers in the province are organized, he claimed, and while the Federation of Labour is strong in membership it is weak financially. There is a concentration of the labour force in the Winnipeg and Thompson areas. This is where union organization is strongest and the rest of the province is not highly organized.

In general the members did not believe there was much spirit of co-operation filtering down to lower levels of labour-management relations. An open communications channel has not developed from top to bottom levels. A management spokesman maintained that the ideas of co-operation have not filtered downwards and there is no evident change in attitudes at lower levels of labour-management relations. He claimed that this is probably the case because management regards industrial relations as a part-time endeavour, while for the labour representatives it is a full-time effort. The system of communications does not function openly, a labour leader claimed, because the time interval between meetings of the

General Committee is too long. This causes anxiety on the part of labour as to the value of the Committee.

### Accomplishments

A prominent member of the Committee stated that the greatest contribution which the Committee has made is in the field of communications. Management realizes that there is a need for unions which provide a sense of security for the workers. He believed that the Woods Committee builds confidence and mutual respect. It is one thing to set rules and sign agreements but mutual trust is necessary if the parties are to work amicably together. Since the Manitoba economy is isolated from the competitive markets it is important that labour-management relations be peaceful so that industry can compete in the market without serious interruptions in the flow of trade caused by industrial conflicts.

A management spokesman believed that through the work of the Woods Committee many difficulties in the Act have been cleared and this has led to some easing of the problems in applying the Act.

But there have been "rumblings of discontent" among a certain group in the Manitoba Federation of Labour. They maintain that the Woods Committee is doing nothing substantial and showing no evidence of concrete results. It is claimed that meetings of the General Committee are too infrequent and

and some feel that if there is nothing accomplished perhaps they should withdraw.

One labour leader claimed that in the three years of its existence no major change has been in labour legislation as a direct result of the work of the Woods Committee. The only concrete thing it accomplishes is an annual report. He maintained that labour is considering whether to resign or not from the Committee. This member saw the time spent on the Committee as wasted time. At the same time he admitted that in principle the joint committee was a "good thing" for the opportunity of labour and employer representatives meeting together was desirable. He cited the Swedish experience in joint consultation but pointed out that in that country unions had unrestricted recognition. He believed that there were not enough joint meetings of labour and management in Canada. But he emphasized that regardless of what the Woods Committee will do, he still wishes to see two submissions from labour and management for the government only promoted the Committee as "a way out."

In assessing the work of the Committee the role of the Chairman was considered to be a very vital one. The person who accepts the leadership of such a Committee must be able to devote a great deal of time and effort to providing a dynamic leadership. Without this there is a tendency for discontent to develop and a failure to see the illusive benefits of

co-operation. The Chairman becomes a mediator in a sense for a kind of bargaining relationship does develop in the Committee, but it is a relationship without the acute emotional strain associated with negotiations.

In reviewing the work of the Committee university participation in the labour-management relations area was considered to be important by one observer. In the structure of the Woods Committee there is no provision for membership from the university community. The belief was held that universities should be the forward force in establishing joint committees and that governments should be behind the project but not the pioneers. People tend to be afraid of government interference, and thus the state should remain in the background. But the University in Manitoba has shown little interest in this field, and a lack of communications between the Committee and the university exists at the present time.

The view was expressed that progress is very slow even in the sub-committee. A labour spokesman who appeared moderate in his views believed that the Committee was not getting "down to things" as effectively as he had anticipated. The Minister of Labour would like the Woods Committee to consider organizing a Conference on Automation. There is pressure from the House to have the joint committee do it rather than the Minister. However, due to the reluctance of the Committee members to undertake the venture, the government does not wish to force

anythin; on the Committee.

Most of the members interviewed would like to see the Committee "moving faster" especially after three years of operation. They would like to see "more action". There is still much work to be done a labour spokesman declared, for example, in the certification area, where much of the procedure for application is out of date. While the labour-management committee is a "good thing" the two opposing sides must develop mutual trust and management must not accuse labour of "running it."

In general the members believed that the work of the Woods Committee would be more fruitful if the Committee became more active and less stagnant. There is a sense of restlessness because of a lack of concrete accomplishments.

#### Future Goals

In answer to the question, "What do you see as the long range goals or objectives of the Woods Committee?" the answers showed a common expectation. It was believed that the relationship established among the members was very important and if the Woods Committee leads to a "continuing" relationship there was great advantage to be gained for both sides in terms of better understanding. A labour leader pointed out that the individuals must work to get such results, and this was to be obtained through discussion and appreciation of mutual problems. This involves a great deal of effort and

time, and a labour leader maintained that when results do not show immediately frustration builds up.

Even the "critics" maintained that the Committee was a "good thing". A management spokesman pointed out that the greatest value of the Committee was to bring a realization that the other side represented people too with problems similar to your own. However, this same management representative claimed that the Committee was accomplishing very little and his view of the future of the Committee was that it would continue in a stagnant way and it would be used by politicians for their own use.

The view was also expressed that the Committee gives both labour and management the opportunity to sit down together to analyze the law and in the view of the observer, labour legislation needs a great deal of clarification. It was believed that the Committee could possibly become a kind of labour court or tribunal for mediation and dispute settlement. Other labour and management spokesmen maintained, on this point, that the Committee was not to function as a mediator in disputes since that was not its role. A number of members saw public interest disputes as an important area for consideration in the future of the Committee.

Recommendations for the Future

Members of the Woods Committee strongly suggested that the Committee needed a full-time permanent leader. This should be a person who would organize its structure and role more effectively and have it function more regularly. There was a feeling that the Committee was not "working right" at the present time and that a full time administrative officer was needed, preferably a person drawn from the University whose main involvement would be the Woods Committee. A more efficient structure was needed which would allow for more regular contacts among the members, a management spokesman pointed out. The role of the Chairman was vital to carry the Committee and to provide initiative and stimulus to the members "to do their homework."

Since the present Chairman and Vice-Chairman are very busy people, it is difficult for them to direct research. The suggestion was made that the Committee should have a full-time qualified Executive Director who would provide the leadership needed to vitalize the Committee by scheduling regular meetings and channelling the necessary research. At the present time with only a part time Secretary, the research for the Committee tends to be a "hit and miss" affair. The Committee needs more leadership than what a part time Chairman and Vice-Chairman can provide. The Secretary does the work of a permanent director at the present time but only on a part time basis. The Committee needs a person who will have a

more dynamic role in its functioning. Sustained interest becomes difficult for a long period, if not impossible, when people are involved only part time. The Committee needs a dynamic director to provide the initiative for research, discussions, and open conferences.

It was disclosed that the University of Manitoba was approached in this connection. The government thought that a part time faculty member and a full time Executive Director might be drawn from the University. The University stated that they would co-operate if the government set up an Industrial Relations Centre. However, the government at this time was not prepared to finance such a Centre.

It was also suggested that an open labour and management conference organized by or associated with the Committee would be useful. If the joint committee talks only to itself it tends to become bureaucratic, it was observed.

A Department of Labour official suggested that there should be a "built-in system" to assess the work and accomplishments of such joint committees. At the present time there is no evaluation or assessment of the worth of these committees. They should be scrutinized in order to plan for their future role and growth, for although they are organized and function, there is no certainty that they will continue to do so indefinitely.

MANITOBAMembers of the Labour-Management Review Committee, 1967.

Chairman - H. D. Woods

Deputy Chairman - G. C. MacLean

Secretary - B. Lepkin

Assistant Secretary - C. K. Shepherd

Management Representatives -

N. Bergman, General Manager, Public Cold Storage  
Brandon Ltd.

J. Berkowitz, President, Monarch Wear of Canada Ltd.

J. S. Scarfe, President, Soo-Security Motorways Ltd.

J. S. Campbell, General Manager, Manitoba Bridge &  
Engineering Works

T. H. Gibson, Vice-President and Manager, John Wood Co.

J. D. Grant, Personnel Manager, McLeod's Ltd.

George Keates, President, Manitoba Cartage & Forwarding Ltd.

R. H. Parkhill Jr., Sales Manager, Parkhill Bedding Co.

A. R. McPherson, President and General Manager, Strong-  
Scott Ltd.

H. Bloy, Secretary, Midwest Metal Mining Association

E. A. Wynne, Past-President, Winnipeg Builders' Exchange

Union Representatives -

J. Pullen, International Brotherhood of Electrical Workers

J. A. Coulter, Executive Secretary, Winnipeg & District  
Labour Council

H. Duhamel, Representative, Hotel, Restaurant & Bartenders'  
Union

T. E. Wick, Business Agent, Amalgamated Transit Workers'  
Union

A. A. Franklin, International Representative,  
Brewery Workers

R. J. Henderson, President, Manitoba Federation of Labour

J. James, Executive Secretary, Manitoba Federation of Labour

R. H. Robbins, Representative, United Brotherhood of Carpenters and Joiners

C. T. Schubert, Canadian Vice-President, Retail, Wholesale & Department Store Union

D. Knight, Plumbers and Steamfitters Local 254

H. L. Stevens, Area Supervisor, United Steelworkers of America

J. Wilford, Representative, United Packinghouse, Food and Allied Workers' Union

The Sub-Committee is composed of the following:

Labour Members - J. A. Coulter, R. J. Henderson, J. James  
R. H. Robbins, H. L. Stevens

Management Members - J. Berkowitz, G. A. Keates, A.E. Wynne,  
A. R. McPherson



ONTARIOBackground

Under the previous government in Ontario there existed an informal channel of communication between government and labour, and government and management. Although the channel did not represent joint communication, the Minister of Labour was able to synthesize the views of the two parties.

Under the following Ministry the informal channel disappeared mainly because of the differences in personalities. There appeared a need for some system of communication for government with labour and management representatives. Furthermore, there was labour unrest in the province; the issue over injunctions dominated the scene, and government came to the view that top labour and management leaders should be discussing such problems outside of the bargaining table. In addition, the Minister of Labour and senior members of his department visited Europe and studied the experience of joint consultation committees in a number of countries there, and their exploration indicated that such arrangements provided an effective channel of communication. A government official stated that joint councils "encouraged another dimension in dialogue between labour and management."

The experiments of a number of provinces in Canada with joint labour-management committees was also instrumental in providing an example for Ontario. It was stated too that

the industrial development of Ontario was relatively more advanced than many other provinces in Canada, and there appeared no need for a joint council because of undevelopment, but the suggestion was made, "why not attempt a joint committee in Ontario too!" It was also maintained that the university or private parties did not take the lead and therefore the government provided the impetus for a joint council. Thus the provincial government took the initiative and a joint labour-management council was established in Ontario.

#### First Joint Committee

The Minister of Labour privately contacted a number of top management and top labour leaders in the province inviting them to sit on a joint council and meet under the Chairmanship of an outside neutral person. On the initial committee four employer representatives and four labour representatives were invited to participate. (See page '76 for the list of names of members on the original committee). In addition, a Secretary and the Chairman made up the Council. For the last two meetings the Director of the Industrial Relations Centre of the University of Toronto was also invited to attend.

The original Committee met at eight dinner meetings during its existence. All the meetings were held in private and no publicity about its existence or about the discussions was released. It was thought that by keeping the membership

of the Committee secret and meeting behind closed doors an atmosphere of closer co-operation would develop between the parties, and that such circumstances would be more conducive for freer expression and exchange of views between the parties.

Thus while discussions were free, it was also disclosed that at the same time members spoke with the attitude that their views would have no direct influence on public policy. As a private body any consensus which would be arrived at through discussion and compromise could not be reiterated as a joint proposal or recommendation from the Committee, since the members were not committed in any way. Thus the situation came to the point where it was deemed wise to publicly announce and acknowledge the establishment of the joint committee.

#### Terms of Reference

The original Committee had no definite terms of reference under which it functioned. It was expected, however, that the members would discuss mutual problems of labour-management relations. During the eight meetings held by the original joint committee discussion centered on general problems such as emergency disputes, injunctions, conciliation and mediation, bargaining in the public sector, manpower training, employment and economic stability. In addition, the members were concerned with the existence of such a Committee itself as an

"institution." It was felt that clarification was needed about the role of the individual member on such a committee and his connection with and responsibility to his parent or sponsoring body, and clarification was also necessary regarding the relationship of the government and the committee. The original Committee came to the conclusion, as stated in its report, that "The usefulness of a committee such as this would be enhanced if its status was clarified both in relation to the Government and in relation to the parties of interest."

During the sessions of the Committee, although discussion was free and attitudes friendly, no agreement was reached on any issue. Consensus was arrived at only on the report of the Committee which it made before it was dissolved. The report did not indicate any great or overwhelming enthusiasm for the re-establishment of a joint council. In fact it did not recommend the establishment of a joint council at all. The report did set down certain cautious recommendations with respect to structure, terms of reference, administration, status and research, if the government did set up a permanent joint council. The original Committee itself did not recommend the establishment of a joint Council. The initiative was left to and came from the government.

#### Ontario Union-Management Council

The government was strongly in favour of the principle of

joint consultation, and thus the Minister of Labour, on April 12, 1967, made the formal announcement in the House that a permanent Union-Management Council would be established in Ontario. He also stated that the terms of reference and the constitution recommended by the original committee would be adopted.

The report of the original Committee recommended that if the government does decide to establish a joint committee it should be composed of the following members: The Chairman who is to be appointed by the Minister of Labour; a Secretary who would be a civil servant from the provincial Department of Labour; five management representatives selected from names recommended by employers' associations in the province; and five labour members who would be selected from names suggested by labour organizations in the province.

The original Committee recommended that the new council if it is established should be free to decide on its own procedures and recommendations. The terms of reference of a joint committee should be, "to provide a formal body in which problems concerning the Department of Labour, or problems brought to the Council by its members could be examined with the object of reaching a consensus if possible."

The Ontario Union-Management Council was established by

the Ontario government in April of 1967. In the formal announcement with respect to the formation of the Council, the Minister of Labour stated:

"The Council will give labour and management an opportunity of working together to develop new means of accommodating their varied interests. But even more challenging is the opportunity it will afford for the parties to examine their responsibilities to the public interest in the light of our generally accepted social and economic goals. In these terms, it can be a very significant move in the labour relations field. But, I believe its significance should not be over-estimated. It is definitely not a short-run panacea for labour and management difficulties. Its real impact, if it succeeds in establishing a solidly-based place for itself in our industrial relations picture, may not be felt for some time."

Following the announcement of the Minister of Labour, the government approached labour and management organizations for a list of fifteen names from each side of persons whom they would recommend for participation on a joint council. Five members were to be selected by the government from each side, and invited to sit on the permanent Joint Council. Each person approached by the government accepted the invitation, with the exception of one person on the labour side who declined for reasons of overwork. The Minister also

announced the appointment of the Director of the Industrial Relations Centre at the University of Toronto as the Chairman of the Council. (See Page 77 for list of names of members of the Ontario Union-Management Council).

To Be or Not To Be

The members interviewed expressed their opinions freely on the weaknesses of the original Committee, and voiced their views on industrial relations problems in the province, as well as expressing their views on the role and function of joint councils.

One labour spokesman claimed that the first Ontario Committee was "bound to die an early death" because of the way in which members were selected originally. His view was that labour unions feel they should be consulted with regard to membership on joint councils. He maintained too that the Minister and the Chairman were naive in expecting members to speak as individuals, for they can only speak as representatives of their sponsoring organizations. Furthermore, a committee meeting in private is unable to make recommendations. There must be a formal publicly announced committee if the members are expected to be committed to any joint decisions. He stated that there was little enthusiasm on the part of the original Committee for the establishment of a permanent joint committee, but the government was very eager to set it up.

But he admitted that all members on the original Committee agreed that if it was to function it had to be a publicly announced formal Council.

Another leading labour spokesman stated that there is more "sophisticated grouping" of labour and management in Ontario than in other provinces and such a Committee is not established simply for changing labour legislation. Labour is not interested in seeing the Committee talk on legislation. He would be interested in having discussions on the labour market, on retraining, on manpower problems, for these are areas in which conflict occurs.

He saw the Committee as a vehicle for "real labour and management co-operation at the top level." He expressed the view that the Committee would provide a means for top management to discuss labour problems with the labour movement. Employers' organizations take little interest in industrial relations he stated. He believed that government should maintain a liaison with the Committee but that the government should not use it as a "political football." But the ultimate question is, he observed, "what can you do with a joint committee in a non-directed and free society?" He felt that the existence of a joint committee was not impairing the political action of the labour movement. There was a vital need for joint consultation quite aside from direct negotiations.

He maintained that from labour's point of view a joint council provides a "constant watch" over interference with the labour movement. In conclusion he stated that labour will support the Committee if they feel that they are accomplishing something, but they will get out if it does not.

A labour leader also stated that there is still strong animosity and antagonism against union organization in Canada. If this could be removed from the attitudes of management and the press, then the council is a "good thing." But this is a great hurdle and if through the work of a joint council this obstructive antagonism can be broken down and mutual trust developed, then the Committee will have done some good, he felt. But expressing pessimism he observed that he has seen many joint meetings where many platitudes were voiced and then the participants left with no change in their attitudes or policies.

In the view of the management member such a joint council represents a move towards a centralized state which is contrary to "free enterprise." He was pessimistic about the value of joint councils since he did not believe they accomplished anything fundamentally. He claimed that such a committee can never come to any meaningful agreement on important issues because of differences in the structure of the two representative parties. Labour members are elected

representatives and they must speak for their constituencies, and report back to them. If they deviate they are not elected to office in the next election. He said the joint committee provides "for friendly socializing over a dinner meeting, but it really doesn't change anything."

The management representative maintained that the Swedish experience in joint councils is often cited, but he does not believe a similar experiment would work in Canada, for in contrast Sweden is so tightly controlled that it will erupt someday. He stated that the original Committee in Ontario was an exploratory attempt to see if any consensus could be reached on some issues and to see if such a Committee could have a function in Ontario. Governments are promoting joint councils because they wish to have control over labour and management decisions. He concluded that he preferred to have separate proposals submitted to government by labour and management.

A government spokesman observed that the members of the original Committee went along with the government's proposal to set up a joint council but they were not genuinely interested. They went on the Committee as they do on many other tripartite committees. Even after eight meetings and two industrial relations experts as Chairmen labour and management did not agree on the validity of the Council. And, he emphasized, they did not even recommend the establishment of a permanent

council. The government official believed that pressure for a joint council must come from society. In Ontario both parties are militant and both have made strides through economic warfare rather than through joint consultation. Joint meetings are attended traditionally by labour and management in Ontario, but it was believed that both sides are tough and take collective bargaining to the brink. Thus there is little background of co-operation. In his opinion if anything does come out of the deliberations of the Joint Council in Ontario it will be a "break-through." He claimed that a joint council is a valuable mechanism as a forum for continuing discussion between labour and management. It is also a forum to which government can also bring a problem. Government does not expect to eliminate conflict through joint councils, but it hopes to get a feel for changes which will be necessary in legislation. If joint recommendations are made governments are in a position to enact legislation which is given support by both sides, he pointed out.

Another government official stated that the power structure is different in Ontario from the rest of Canada. Large firms negotiate with large unions and in most cases the firm's industrial relations policy is set in the United States. Ontario, he claimed, is the most advanced province in terms of labour legislation and collective bargaining. He concluded that government must regard the Joint Council with

respect, but if the public interest is not represented by the joint labour-management recommendations, government must be free to take action or initiative on its own.

Postscript

When the interviews took place the original Committee had been dissolved, and although the new Union-Management Council had been formally announced by the Minister, the members were not yet named, at the time of my visit to Toronto. Thus no meetings of the new Council had taken place at that time.

ONTARIOOriginal (Informal) Joint Labour-Management Committee

Composed of the Following Members:

Chairman:	H. D. Woods, McGill University
Secretary:	R. M. Warren, Executive Director Manpower Services, Dent. of Labour
Management Members:	H. J. Clawson, Steel Co. of Canada J. H. Smith, Canadian General Electric J. A. Belford, Massey-Ferguson Ltd. R. D. Armstrong, Foundation Co. of Canada
Labour Members:	D. B. Archer, Ontario Federation of Labour W. Ladyman, International Brotherhood of Electrical Workers L. Sefton, United Steelworkers of America Russel Harvey, Office Employees' International Union

ONTARIO

The members of the Ontario Union-Management Council are:

Chairman - Dr. John Crispo, Director, Industrial Relations Centre, University of Toronto

Labour Members - W. Ladyman, Vice-President, International Brotherhood of Electrical Workers

- L. Sefton, District Director, Steelworkers of America
- Stan Little, National Director, Canadian Union of Public Employees
- D. F. Hamilton, Secretary-Treasurer, Ontario Federation of Labour
- Harry Simon, Regional Director of organization, Canadian Labour Congress

Management Members

- R. E. Alden, Director of Industrial Relations, Steel Co. of Canada
- E. J. Gaunt, Manager, Employee Relations, British American Oil
- R. P. Riggan, Vice-President, Corporate relations Noranda Mines Limited
- D. K. Frid, President, Frid Construction Ltd.
- G.S.P. Ferguson, Q.C., Ferguson, Montgomery, Cassels, and Mitchell, Toronto

QUEBECBackground

The idea of a joint labour-management council in Quebec originated in the late 1930's when a former Deputy Minister of Labour was instrumental in its promotion. At that time examples of joint labour-management bodies in European countries were studied. The C.N.T.U. was also inspired by the European tradition of legally established joint councils. The late Thirties also saw numerous strikes in the province which tended to cause concern among officials. In addition, in 1937 a Committee was set up to study the Quebec Collective Agreement Act of 1934, and in its report the Committee recommended a joint council. The Deputy Minister of Labour at that time (Gerard Tremblay), strongly favoured such a move and he too recommended the establishment of a joint council. Thus with these incentives and under these circumstances, the Quebec government passed an Act of Parliament in 1941 establishing the Superior Labour Council.<sup>x</sup>

The Council has had a history of almost non-existence in certain years since its legal establishment in 1941. That is, it has had its ups and downs along with the changes in government since its inception. In the years between 1945 and 1960 it was relatively inactive, and as stated by an interviewee, the Council was "sleeping for many years." Under the Duplessis government the S.L.C. did not accomplish much for labour and government were at "war." Under the Lesage government it was engrossed with the

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<sup>x</sup> The Superior Labour Council will hereinafter be referred to as the Council or by the initials, S.L.C., for this report.

Labour Code. It was stated that a great deal of time and effort by the Council was devoted to the study of the Quebec Labour Code at that time. Although no joint agreement resulted and three separate reports were made, the Council did a great deal of work on this problem. Since 1960 the Council has been relatively active and they have become concerned with such problems as workmen's compensation, night work for women workers, Sunday work, labour courts. But no "hot" issues have been touched. One interviewee claimed that the Council is also effected by the personality of the Minister of Labour. The former Minister was a "thinker" and not a man of action. Therefore, the Council tended to be somewhat dormant. The present Minister is more enthusiastic and there is more "stir" in the Council. Thus the tone and activities of the Council are strongly influenced by the government in power. This is also the case due to its formal structure and official terms of reference as set out in the Act.

#### Terms of Reference

The Superior Labour Council in the province of Quebec was established by legislation (R.S.Q. 1941, Chapter 159) in 1941. The Act states that the Council is a consultative body which has a special mission concerned with "the study of the questions relating to the protection of the labourers and wage-earners, the rationalization of labour, collective labour agreements, minimum wages, the inspection of work, the prevention of workmen's accidents, apprenticeship, vocational orientation, the rehaoilitation of the unemployed, social insurance and assistance, the suppression of slums and the attainment of ownership by

workmen." (4 Geo. VI, c. 37, s. 2).

The Act also states that the Minister of Labour may invite the Council to make a study of any of the problems named in Section 2 above, or it may make a study of any other question "that the development of economic and social life in the Province calls to the attention of the Government." (Section 3). The Council may also take the initiative in studying any particular social problem, but such studies must have the approval of the Minister of Labour.

#### Formal Structure

According to the 1941 Act the Superior Labour Council is composed of 24 members, appointed formally by the Lieutenant-Governor in Council, upon the recommendation of the Minister of Labour. The Minister of Labour shall receive recommendations of the names of eight persons representing labour from the most representative labour associations in the province. Eight names of persons representing management shall also be recommended to the Minister of Labour by the most representative employers' organization in the Province. The remaining eight members are appointed by the Lieutenant-Governor and these are persons in the province of Quebec who are knowledgeable about social and economic problems. There may also be six associate members, with no voting power, appointed to the Council. These associate members are three representatives from the Department of Labour and three representatives from the Department of Municipal Affairs, Trade and Commerce.

The 24 members of the Superior Labour Council are appointed

for a three year term and they are eligible for re-appointment. The Act also provides that a President and <sup>two</sup> Vice-Presidents shall be elected from the group. In addition, a Secretary is also appointed. The Secretary has no vote and is usually a civil servant. In addition to his routine duties, the Secretary shall also prepare an annual report to be approved by the S.L.C. and submitted to the Minister of Labour.

Furthermore, in addition to the larger body of 24 members, the Act makes provision for a Permanent Board of nine members to be set up composed of members of the S.L.C. This smaller body of nine members serves as a working body and it serves also as a link between the Minister of Labour and the S.L.C.

The Permanent Board made up of nine members shall be composed of a President, two vice-presidents, and six other members with two representatives from the labour group, 2 representatives from the management sector, and two representatives who are knowledgeable about economic and social problems, (that is, two members from the third group). In addition, the Department of Labour and the Department of Municipal Affairs, Trade and Commerce, each appoint an associate member who enters into discussion but has no vote on the Board. The members of the Permanent Board are appointed for a one year term and are eligible for re-appointment. The Associate members who act on the S.L.C. and the Permanent Board are appointed without term.

The Act establishing the S.L.C. in Quebec states that the function of the Permanent Board is to "prepare the work of the Superior Council." The S.L.C. or the Minister of Labour shall

provide the Board with its subject for study. Any report made by the Permanent Board to the S.L.C. may be accepted, rejected, or amended by the S.L.C. and the Minister of Labour notified of its decision.

According to the Act, the Minister of Labour calls the first meeting of the Council, which meets at least twice a year. The dates for the meetings are fixed by the Permanent Board with the assent of the Minister of Labour.

The Act stipulates that no salary shall be paid the members of the Council, but they shall be reimbursed for costs incurred in attending the meetings. Furthermore, the Act provides that "All the expenditures necessary for the carrying out of this act shall be paid out of the sums annually appropriated for such purpose." (4 Geo. VI, c. 37, s. 19).

#### Financial Structure

At the present time the members of the S.L.C. are paid a fee of \$25.00 per day when they attend meetings. Those members travelling from outside of Quebec City to attend are paid a fee of \$50.00 per day, plus transportation costs. It was disclosed by the Secretary that the annual budget of the Superior Labour Council was \$20,000 for many years. However, in 1966 it was increased to \$35,000 annually, and that amount constitutes the budget currently, (as of the fall of 1967 when the interview took place).

#### Proposed Re-Structuring

There have been only minor amendments to the Act which established the Superior Labour Council in 1941. The situation at

the present time is that there is little confidence by the members in the influence of the S.L.C. and there is a movement within the group to recommend changes in the structure of the Council. It is felt that the recommended changes would make the Council a more effective body and give it a more positive role in labour-management relations. The Council acts in a purely advisory capacity but under the existing structure the Council is ineffective and has no positive influence.

Four aspects of the structure of the S.L.C. were mentioned as being weak spots. First, the unusually large size of the S.L.C. (24 members plus the associate members) makes the Council unwieldy. Second, the value of the Permanent Board within the S.L.C. structure to function as an executive body was questioned. Third, the appointed members on the employers' side are not in all cases representatives who are in an influential executive position with respect to a decision making impact. Fourth, the third group on the Council find their role unclearly defined and some of them are uncertain about their purpose on the Council.

First and Second. It was maintained that the present numbers on the Council make it too large in size to really serve as an effective body. Its size leads to too much rambling in discussion and it "deliberates too much," as one member put it, without coming to any consensus. In fact, agreement between labour and management is rare in the Council and consensus is seldom reached. It was stated that a division within the labour ranks, between the C.N.T.U. and the Q.F.L. representation, was also apparent. The proposals for change recommend too that the Permanent Board be abolished and that the Council be reduced in size. Currently the Permanent Board of the S.L.C. does not meet since there has been discontent

among the members reflecting their desire for re-structuring.

It has also been recommended that a permanent Chairman be appointed. The permanent Chairman should be a person who is an expert on labour-management relations and one who would initiate research into certain areas of industrial relations. A research staff would be attached to his office thus making it possible to carry on studies in the area of industrial relations. Some of the members interviewed maintained that the office of the permanent chairman should be classified as a civil servant post, perhaps on the level or status of a deputy minister.

One member of the S.L.C. maintained that while he too believed that the Council was too large in numbers, at the same time he also believed that the formation of a smaller permanent executive body would tend to create a technocratic structure. He thought that the recommended re-structuring would lead to a more bureaucratic body with experts controlling the Council. This he would not favour. It was also suggested that it might be a good idea to make attendance compulsory for members of the Council, especially since the attendance of the third grouping of academicians was not very good.

Third. It was claimed by most of the people interviewed that a weakness in the structure was seen on the management side of the Council. That is, in contrast to the top leaders of labour organizations sitting on the Council, the management representatives are not top executives of large corporations. At the same time it was pointed out that this was not the case throughout the history of the Council, and that in former years influential top

management representatives were appointed to the Council. The point was also made that it appeared as if the representation is a cultural factor. The representation on the management side is more representative of small employers simply because the big firms do not have French speaking presidents or top executives in the province. In addition, it appears that representation tends to be on a sector basis, with different sectors of industry being represented through the years. Furthermore, the point was made too that management has no leadership from large firms because the organization of management is a looser structure in contrast to the structural organization of labour unions. The management associations are not joined in a federation of management in any rigid sense. There was an attempt to unite managements into a provincial association some three or four years ago, but with no success. However, there is an organization of small employers in existence at the present time in the province, and there is an employer representative from the association currently on the Council. It was also maintained, moreover, by a former member of the Council that he did not believe that it was a sign of weakness in structure to have management representatives of small firms on the Council. It was the C.M.A. which set policy anyway he claimed, and thus the impact of management policy would still be felt through the small employer representatives on Council.

Four. Some members of the third group on the Council comprised of sociologists, lawyers and academic economists, felt that they had no clearly defined role within the structure. It was pointed out that the members within this third grouping were cleverly selected so that each member had sympathies, openly or otherwise, with either

the labour side or the management side. Recently, for example, two lawyers were appointed to the third group, and it is known that one is a management lawyer and the other is a labour lawyer. The result is that the Council is often evenly split on issues. It was stated that the lawyers were also added because of the complexities of law under study by the Council; but since they represent labour and management, they in fact add to the division. For example, it often happens that the management representatives will look to the management lawyer to get a viewpoint.

In general the academicians did not think that they were contributing positively to the Council. Originally the members in this group were intended to represent the public. In reality, however, it was maintained that they are too theoretical in their knowledge and wisdom, and in general do not always see the practical problems of industrial relations. Some members would like to see the third group abolished from the structure of the Council.

On the other hand, views were also expressed in favour of keeping academicians on the Council. It was believed that this third group can and does propose different alternatives to viewpoints of labour and management on various questions, for example, on proposals to change the Labour Code. The third group, if a neutral panel, could swing a vote if labour and management came to an impasse. The purpose of including the academicians on the Council was to temper any extremist position of either labour or management. Those who would like to see this group abolished from the structure of the S.L.C. maintain, however, that selection of the third group has resulted in having on the Council evenly opinionated "neutrals" who have sympathies with one side or the

other. Therefore, the conciliatory role which might be expected of this group is not possible in any real sense.

#### Research and the Superior Labour Council

A labour leader stated that the members of the Permanent Board were all "action" men and did not have the time to devote to research. There was no "permanency" on the Permanent Board for all the members were busy with other problems and did not have time to carry out isolated research. Often decisions are made, a management spokesman claimed, without adequate information and knowledge of the problem. It was disclosed that the Minister of Labour presents the areas or problems for consideration by the Council, but at the same time his department's research section is not very advanced and not very large. Therefore, the Department of Labour at the present time is not adequately equipped to handle extensive research for the Council. Another member added however, that in his opinion, as the Department of Labour expands it will be able to provide the Council with more data and information with which to work.

While formally then the S.L.C. can make use of the research facilities of the Department of Labour and the government will cover the costs involved; in reality research by the Council is restricted because of the limited research facilities available, and because the members themselves are limited in the time they can devote to research for the Council. Furthermore, independent research is limited because approval is necessary from the Minister for any study which the Council might wish to undertake on its own initiative. The obvious reason for this is that funds for any such study comes from the government.

It was maintained too that little initiative for research comes from the Minister's office. An example of the Minister's lack of awareness of research possibilities was mentioned in connection with the visit of the Federal Task Force to his office. It was disclosed that the Minister went to the S.L.C. and asked the meeting to state the problems which should be brought to the attention of the Task Force. The interviewee who cited this occasion, claimed that the Minister himself should be familiar and aware of the labour problems in the province, and that he should have made his presentation to the Task Force without going to the Council.

#### The Council and Publicity

The S.L.C. is not an independent body for its activities depend on ministerial approval and support. As an advisory body the Minister may reject or accept proposals from the Council and he is not bound by any recommendations made, being free to disregard them. However, since consensus is rarely reached it was claimed that the Minister uses the Council as a sounding board to get the views of the labour and management groups on various issues.

The Council does not make a public report. But its annual activities and the names of the members are recorded in the annual report of the Quebec Department of Labour. Although the Council does not take a stand publicly, it has been suggested by some that the reports or recommendations of the S.L.C. be made public. However, others claim that as a consultative or advisory body to government the Council should not receive any publicity for there is the danger of committing the government to policy which it does not wish or cannot wisely implement.

Attitudes

There is a friendly atmosphere at the Council meetings. But little consensus is reached for the basic attitudes of labour and management have not changed over the years. One prominent labour leader pointed out that the employer side is not represented by influential management, and the third group is not participating actively. (An English speaking member of the third group stated that since his knowledge of the French language is limited, it is not always possible for him to follow the discussions accurately). It was claimed that attendance by labour members was better than that of the other representatives.

One observer noted that labour uses the Council as a kind of bargaining springboard with the government. The Council is their contact with the government through the Deputy Minister of Labour who attends the meetings. The member claimed that labour uses the Council as a platform to make its views known to government and management. A top labour leader also admitted that labour uses the Council to make contact with the Minister which would otherwise be difficult. However, he claimed that labour did not have too much influence on government policy re labour-management relations. Management had greater influence in this area. He made the observation that the Minister of Labour uses the Council as a "caution", and he was not pleased with such an approach.

While the atmosphere in Council is free and friendly and the meetings turn into a social gathering, the view was expressed that "it really doesn't mean anything because the Council does not take any public stand." The officially established S.L.C. comes to no conclusions and therefore it is ineffective. In general this was a strongly expressed view. The ineffectiveness of the Council has

led the present members of the body to review the established structure and certain recommendations were made to the Minister of Labour with respect to amendments as mentioned above.

#### Quebec Task Force on Labour Relations

Included among the recommendations made by the S.L.C. to the government was the suggestion that a Task Force on Labour Relations in Quebec be established. It was thought that the problems in Quebec were sufficiently different from the rest of Canada to warrant the establishment of a provincial commission. It was stated that Quebec was faced with major differences from other provinces in Canada. Differences existed, for example, in language, in industrial development, in the existence of two central union congresses in the province, and the people of Quebec stemmed from a Latin origin, rather than from an Anglo-Saxon origin. Thus a Quebec Task Force would be better able to review and assess labour problems in the province with these aspects in view. It was hoped that the establishment of a provincial Task Force would lead to special studies being conducted in industrial relations in Quebec and it was believed that such research was badly needed.

However, the view was expressed by the members interviewed that indications are that such a commission will not be set up in Quebec at the present time, since it is a known fact that the Federal Task Force on Labour Relations will be looking at industrial relations problems in Quebec along with labour problems in other parts of Canada. The S.L.C. sent its recommendations to the Minister of Labour in July, 1967, but at the time of my visit to Quebec City and Montreal in September, 1967, the Council had not yet received a reply from the government, about any of its recommendations.



QUEBECMembers of Quebec Superior Labour Council, Period 1966-1969

## Groupe "A" - Travailleurs

E. Berrian, president, Comite legislatif du Quebec  
 Fraternites ferroviaires internationales, Montreal

Laval Grondines, Directeur, Service technique de  
 la C.I.C., Quebec City

Jean Gerin-Lajoie, Vice-president, Federation des  
 Travailleurs du Quebec, Montreal

Louis Laberge, president, Federation des Travailleurs  
 du Quebec, Montreal

Adrien Plourde, Premier vice-president, Confederation  
 des Syndicats nationaux, Arvida

Marcel Pepin, president general, Confederation des  
 Syndicats nationaux, Montreal

Robert Sauve, secretaire general, Confederation des  
 Syndicats nationaux, Montreal

Andre Thibaudeau, vice-president, Federation des  
 Travailleurs du Quebec, Montreal

## Groupe "B" - Employeurs

Andre Despres, Directeur des Relations exterieures,  
 La Compagnie Price Limitee, Quebec City

Michel Dion, secretaire, Federation de la Construction  
 du Quebec, Quebec City

Alexandre Dugre, directeur, Service des relations du  
 travail, Federation des Commissions scolaires, Ste-Foy

L. Gonzague Langlois, Secrétaire général, Association  
 des Mines de metaux du Quebec, Quebec City

G. D. Laviolette, Aviseur Industriel, Montreal

Charles E. Lebrun, Gerant general, Cie de Biscuits  
 Stuart Ltee, Montreal



Alfred Levesque, secretaire-gerant, Ass. des Marchands Detaillants du District de Quebec Inc. Quebec City

Jacques Villeneuve, vice-president, Societe Johnson & Johnson, Montreal

Groupe "C" - Sociologues et economistes

Rev. Pere Emile Bouvier, directeur, Departement economique, Faculte des Arts, Universite de Sherbrooke, Sherbrooke

Jean-Real Cardin, directeur, Departement des relations industrielles, Faculte des sciences sociales, Universite Laval, Quebec City

Guy Merrill Desaulniers, Montreal

Gerald Fortin, professeur, Departement de sociologie, Faculte des sciences sociales, Universite Laval, Quebec City

Fernand Martin, professeur, Faculte des sciences sociales, Universite de Montreal, Montreal

Jean Massicotte, Montreal

Louis-Marie Tremblay, Directeur, Departement des relations industrielles, Faculte des sciences sociales, Universite de Montreal, Montreal

Wm. Westley, professeur, Departement d'economique, Faculte des Arts, Universite McGill, Montreal

Membres Adjoints

Donat Quimper, sous-ministre associe  
Evariste Bernier, Service de l'extension juridique  
Emilien Landry, Service de recherche et d'information

Secrétaire général - Roger Auclair



NEW BRUNSWICKBackground

Some ten or fifteen years ago efforts were made in New Brunswick to form a tripartite committee of labour, management and government. The idea was supported by the Minister of Labour, the New Brunswick Federation of Labour, and the provincial C.M.A. Three or four meetings were held but the terms of reference were so nebulous that they did not even become more definite before the venture finally broke up. It was also pointed out that another reason for the failure was that the construction workers in the province were not represented. Thus the Committee at that time did not become firmly established and really did not get off the ground.

In 1962 the idea of a joint committee was again revived and the Deputy Minister of Labour invited labour and management representatives to a conference. It was claimed too that it appeared to be a "popular" thing to do at the time. The purpose of the meeting was to entertain the idea of establishing a committee of labour, management and government representatives, and to try to organize a conference of thirty to forty people of decision-making status. But the meetings bogged down again over the participation of government on the Committee. At that time the management representatives wished to have government representation on the Committee, while labour insisted that government should only be represented indirectly in a liaison capacity. Thus again nothing definite materialized.

The Research and Productivity Council of New Brunswick was also approached for initiative or support in the establishment

of a joint committee. However, it was stated that such action did not come under their jurisdiction, although they could provide facilities for the committee. But again the idea died down for a time.

However, the New Brunswick Federation of Labour was and is interested in a labour-management committee, and the response from management spokesman was also encouraging. Thus a local committee was set up in St. John comprising representatives of the St. John District Labour Council and the St. John Board of Trade. Their function was to look into the situation with respect to the establishment of a joint labour-management committee. The local committee was also in contact with members of the Nova Scotia Joint Study Committee and they were familiar with the work of the Committee there.

Thus the local committee of St. John made the recommendation that a joint council be established and that it be on a provincial basis in New Brunswick. Furthermore the committee recommended that it should come under the sponsorship of a neutral body or institution, and that the government should not be represented on such a committee.

A letter was drafted and signed by four labour representatives and four management representatives and sent to the President of the University of New Brunswick. The letter expressed the need for the establishment of a joint labour-management committee in the province of New Brunswick, and suggested that the University might be instrumental in supporting such a Committee through connection with an Institute of Public Affairs or similar institute. The letter emphasized that there was a need for labour and management

to have an effective forum for discussion and the University of New Brunswick appeared to be a suitable central agency, if it would take the lead in the establishment of a labour-management committee at the provincial level.

It was subsequently learned that the University of New Brunswick was exploring the possibility of setting up a Social Science Research Centre and a committee of university faculty had already been looking into this matter. Interest was shown by the University in the joint labour-management committee, and therefore a three-man sub-committee was set up to review the possibility of a joint labour-management committee being supported by the University. The sub-committee was also to look at the experience of the Nova Scotia Joint Study Committee and its relation with Dalhousie University. The objective of the committee was to define recommendations with a view to establishing something similar in New Brunswick. The sub-committee completed its draft and the proposals were sent to the University, the government and others.

A further event related to these circumstances was the formation of the Select Committee of the New Brunswick Legislature in 1965, in order to study the Labour Relations Act and to make recommendations for amendments. Of primary interest in this case was the recommendation of the Select Committee that the government provide for a grant to the University of New Brunswick in order to establish a permanent Labour-Management Study Committee.

#### Industrial Relations Problems in the Province

It was maintained by a provincial government official that

labour in the province of New Brunswick tended to take a "class conflict" attitude and union leaders tended to be elected because they vehemently criticize managements. Employers were also hostile and bitter against unionism, claiming that organized labour's demands were unreasonable. However, with the expansion and growth of the New Brunswick economy a tight labour market has developed, and labour is in a position to make high demands, it was stated.

The observation was also made that labour productivity was low and that labour was in need of re-training and education. Often workers take up employment for a short period in industry, and then resign to continue their agricultural or lumbering activities, without even considering the consequences to industry of labour supply shortages. It was maintained that there is a lack of a sense of responsibility on the part of labour on the job in industry and little ambition among the workers economically. It is often the case too that a worker will work until he earns a certain income level in industry and then he quits to go back to farming or lumbering, again without any consideration for the firm giving him employment.

It was also pointed out that currently the government does not appoint a Conciliation officer or Conciliation Board when a dispute occurs in the province. Rather the appointment is left to the discretion of the Minister of Labour. The result has been that the onus falls back on labour and management to resolve their differences and to work out a compromise in setting the terms of the collective bargaining contract.

It was maintained that in general the labour and management leaders in the province tend to be conservative. There is resistance to progressive ideas, particularly on the part of management. There is also a great deal of exploitation of labour especially in the small company towns. It was observed too that the firm of Irving Oil dominates the economy of New Brunswick, and has a very strong impact on labour-management relations in the province.

#### Proposed Joint Committee

Both labour and management would like to see the University of New Brunswick as the sponsoring body for a joint committee. The University would act as a neutral body. The interested people do not wish to have government involvement on such a committee except financially. It was maintained that government should only act in an advisory capacity, and should support a joint committee only indirectly and financially. That is, financial support would come from the government and would be paid to the University, earmarked for the support of the Joint labour-management committee. Individual members would be formally appointed by the University, but upon recommendations from labour and management groups in the province.

Following the Nova Scotia pattern it was thought that there should be two levels to the arrangement, that is, a Committee would be formed consisting of labour and management representatives. In addition an annual conference would also be planned on a wider basis consisting of delegates composed of interested labour, management, government representatives and academicians. There would be

an attempt by the Joint committee to reach general agreement on major issues and to develop an informal or formal process to review labour legislation in the province. That is, consensus would be reached not by strict voting, but by discussion and compromise and agreement.

The view was expressed that labour appears to be more interested than management in the establishment of a joint committee. Labour is more united in their support while management tends to be more divided in structure. There are still "robber barons of industry" in the province who do not wish to co-operate in such a joint venture.

It was believed that the selection of personnel involved on such a Committee was very important, for someone with a closed mind, especially towards unionism, certainly would not be willing to enter into a compromise situation. It was maintained that members should have decision-making authority and that they should not be people who only pay "lip-service" to ideas. The active participation of interested members is very important on such a committee. It was thought that the invitation to become a member of a joint committee would come formally from the University of New Brunswick, as the sponsoring institution. But this would only be a formality since names would be suggested by labour unions and employers' associations in the province. The view was strongly expressed by both sides that there should be no government direct participation. The Committee should be in the hands of labour and management, and not government.

With regard to the proposed leadership of the committee, it was claimed that a co-chairmanship was seriously considered due chiefly to expediency. The proposed chairman was a man of stature (Dean of the Faculty of Law at the University of New Brunswick) but also a very busy man. Therefore, a co-chairmanship would tend to ease the administrative burdens attached to a joint committee, since the appointment involved a great deal of time given to the Committee, especially in its beginning stages when the committee was in the organizing and initial period. It was suggested that in appointing the co-chairman, that one should be a full time office, while the other should be a part time chairmanship. The chief problem in this situation would be to find two people who could work together satisfactorily and at the same time would be willing to assume the joint leadership of the committee. There was speculation that the lack of willing and able leadership, and the expected fall elections in the province might delay any move to set up a joint committee in New Brunswick in the very near future.

It was believed that out of a plan of joint labour-management co-operation at the provincial level would come better understanding and appreciation of the roles of the parties concerned. There would be very important side effects on labour legislation in the province. When the government received joint proposals for amendments to labour law, the elimination of dissatisfaction on the part of labour and management was almost certain it was believed. Basically it was expected that better understanding would be achieved and not a bargaining relation between the parties. It was hoped that attitudes would be formed which would lead to

greater co-operation between labour and management in an industrial society. There would still be free collective bargaining between labour and management at lower levels, but a joint council at the provincial level was expected to bring better understanding. Although the benefits might appear illusive and indirect, the views expressed showed a great deal of optimism and hope for the effective contribution of such a committee towards improved industrial relations in the province.

An academician made the point that he saw the establishment of a labour-management committee as an aid in economic regional planning in the Atlantic provinces. While many people considered the Nova Scotia joint study committee as a model, he believed that there were differences between interested personalities in New Brunswick and the people who were active on the Nova Scotia Committee. In Nova Scotia there were very active progressively thinking young executives who were keen and aggressive. Furthermore the labour movement in Nova Scotia was stronger than in New Brunswick, and their union traditions were deeper. It was also observed that the present Minister of Labour in New Brunswick was not too knowledgeable in the labour-management relations area and although his Deputy Minister was more informed, the latter did not have a personality strong enough to make a full impact in this field.

Thus the Nova Scotia Joint Study Committee can only be considered as a model with regard to its connection with the Dalhousie Institute of Public Affairs, since the environment in which the

Joint Council works in Nova Scotia is quite different from that of New Brunswick. Thus although there are strong similarities between Nova Scotia and New Brunswick in economic structure and size, and while there are those who would regard the Maritime region as an economic area with similar problems, yet it was also recognized that there were major differences among the Atlantic provinces of Canada.

#### Follow-Up

Following my visit to New Brunswick in July, I have been in touch with some of the people interviewed for the Task Force research project. The correspondence received to date reveals that no formal joint labour-management committee has been established in the province as yet. However, it was learned that the University of New Brunswick has agreed to act as a liaison and co-ordinating agent for a Labour-Management Committee in a role similar to that of the Dalhousie Institute of Public Affairs. At the present time the University is seeking means for financing such an operation. No other action has been taken and progress appears to be slow in this regard. It was claimed that the proposals for a joint committee were presented to the President of the University of New Brunswick and his advisors and they were accepted, but presentation to the government was postponed because of the fall election.

Thus to date no formal joint committee of labour and management

has been established at the provincial level in New Brunswick, although indications are that there is a strong willingness and interest on the part of labour and management representatives to participate in such joint action.

NOVA SCOTIABeginnings

A leading management spokesman stated at the start that he wished to make the claim that the movement for joint consultation committees in Canada started in Nova Scotia! In actual fact there were a number of circumstances leading to the establishment of the Nova Scotia Joint Study Committee in 1962.

In the first place, the Institute of Public Affairs at Dalhousie University had developed through the years a rapport with management and labour in the province. The Institute held separate conferences for labour and management, and at times also tried to get the two groups into contact. Although the Institute has been in existence since the 1940's it was not until the present Director became its head in 1957 that it was re-organized and became active in public affairs. Labour-management relations was one of other areas in which the Institute became actively interested. The impetus for the establishment of a permanent joint labour-management committee was channelled through the Institute.

Furthermore, connected with the Institute were two separate advisory bodies,--the Dalhousie Bureau of Industrial Relations, representing management; and the Dalhousie Labour-University Committee representing labour. Discussions had taken place between the two groups and the Director of the

Institute, and they began to see areas of common interest opening up. Top labour and management representatives met secretly at first because labour was fearful of rank and file reaction. Later the meetings became public and there was pressure for results.

The National Productivity Council too about this time was promoting labour-management committees. Studies of joint labour-management committees in Europe also provided some knowledge of the structure and activities of such ventures. The Institute itself became very active in sponsoring separate as well as joint seminars, courses, and conferences for labour and management. Thus a communications channel was gradually being opened between the two groups and they became more and more receptive to the idea of forming a permanent joint committee.

In addition, in the previous year, the Swedish Labour Attaché to Canada and the United States, gave a public lecture, at the invitation of the Institute, on labour-management co-operation in Sweden. This talk made a strong impression on many leading spokesman of labour and management.

It was also pointed out that in 1961 there was a fourteen month strike between the Quarry Workers' Union and U.S. Gypsum (now Fundy Gypsum). Since the dispute was so prolonged it tended to "drag down" the whole atmosphere of labour relations in the province. Labour relations in Nova Scotia was a "real

farce", a labour leader commented. Disruptions were occurring and certifications were being opposed by employers. For years too separate briefs were being submitted to the government for amendments to the Trade Union Act. The Joint Study Committee emerged because of conditions peculiar to Nova Scotia, another labour leader pointed out,--a soft labour market, low wages, little manufacturing industries, and many strikes which created shocks to the economy, especially in the mining and heavy industries areas. It was stated that "not managerial or labour leadership" but "economic conditions" expressed the urgency for the establishment of a joint labour-management committee in the province. It was believed that since/Nova Scotian community is "small" a more personal relationship would emerge from joint meetings and thus the expectations for improved industrial relations.

Another very important circumstance which gave a strong boost to the establishment of the permanent joint committee in Nova Scotia was the events on the government side. For years labour and management had been submitting <sup>ING</sup> separate briefs to the government suggesting amendments to the Trade Union Act. Then labour, through an N.D.P. member of Parliament, introduced a private member's Bill in the House with respect to unfair labour practices and union security (closed shop). When management began to fight the Bill, the Government decided it was "too hot" to handle and they appointed a one-man Royal

Commission in the person of Judge A. H. McKinnon, a former Minister of Labour, to make a study of labour legislation. When the Commissioner completed his study a Special Select Committee of the Legislature was set up to examine the McKinnon report and its recommendations.

The report in essence stated that improved industrial relations in the province depended on "the ability and capacity of management-labour representatives in this Province to mutually agree on a satisfactory method to guide their relationship to a major degree without statutory regulations and control." The report further declared that failure to co-operate would result in "more and more restrictive legislation to meet every demand and crisis until the conduct of management-labour relations is straight-jacketed in a code of laws . . . and true collective bargaining, which all labour enactments are intended to foster, will be wholly eliminated."

Thus as the Director of the Institute pointed out in his first report on the Joint Study Committee, the establishment of the Committee and the calling of the Joint Conference "was not an isolated meeting but one of a continuing series of events." It was the Institute however, rather than the government as in many other provinces in Canada, which paved the way, through its industrial relations programme over the years, for the formation of the permanent Nova Scotia Joint Labour-Management Study Committee, and the Joint Study Conference.

### Scope of the Joint Study Committee

The Joint Study Committee set out its objectives in the following manner, (as published in the Second Joint Conference Proceedings of 1963): "The purpose of the Labour-Management Study Committee is:

To promote a sound and harmonious relationship between Employers and Unions and the employees they represent.

To create and maintain an atmosphere that will be conducive to retaining present industry in Nova Scotia and to the encouragement of new industries.

To seek out fair and reasonable guideposts and procedures for the continuance of free collective bargaining.

To keep to a minimum restrictive legislation in the province.

To seek to promote the industrialization of the province, recognizing that employers have the right to operate and manage the business and that they are entitled to a profit, a quality product and a good competitive position; and recognizing, on the other hand, that employees have the right to organize, to a fair and reasonable return for their labours, to safe working conditions and to improved stability of employment."

Originally the Committee focussed on studying the Nova Scotia Trade Union Act and coming to agreement on joint recommendations for amendments to the Act. In addition, sub-committees

were set up on various types of strikes, and on automation. In widening its scope, the Committee examined wildcat strikes, strikes in essential industries, and normal strikes. The grievance procedure was also looked at, and a management spokesman declared that he believed a model grievance procedure clause should be drawn up. In fact he extended his argument and claimed that he would like to see the emergence of a "code of ethics" or a "statement of principles" drawn up which would include the grievance procedure, union security, and conduct of strikes. While no "model contracts" exist he regarded the "Red Book on Automation" which was drawn up by the Joint Study Committee and adopted by the Joint Conference, as being a model or an agreement of principles concerned with the automation impact. He would like to see this same type of agreement or model drawn up to include other industrial relations subjects.

In extending its scope from labour legislation to strikes, the Committee has also discussed such subjects as the problems of police, public employees, and hospital workers. A management representative felt that this was extending the scope of the Committee beyond manufacturing industry, and he was uncertain about the wisdom of such an extension.

But while the Committee focussed on joint recommendations to the Trade Union Act it has not branched out into an examination of broader social and labour legislation. It was stated that management suggested that the Committee jointly examine

the Workmen's Compensation Act, but labour did not agree. It was held by labour that "too much" joint action might nullify the role of political action in the labour movement, and the legislative committee in labour unions had an important function to perform.

A management spokesman maintained that the Joint Study Committee should watch any major disruptions on the industrial relations scene. If it came to the point that the Committee should move in to help settle a dispute he believed that the Committee should go ahead. But he pointed out that the Committee has not yet taken on that role. He believed that there was a feeling of "trust" in the Committee. But only informally and individually have any members acted as mediators in a dispute. The informality simply meant a phone call or two to the disputing parties by the Committee member.

It was disclosed that the Committee also acts in an advisory capacity on the labour-management relations committee of the Nova Scotia Voluntary Economic Planning Organization.

#### Structure

The first Joint Labour-Management Study Committee was composed of four labour-union representatives and four management representatives, and two members from the Dalhousie Institute of Public Affairs. In the second year of its operations the Committee was enlarged to sixteen members, --seven labour members

and seven management members, and two from the Institute of Public Affairs. At the present time there are only six labour members on the Committee since the death of a leading labour representative. (A replacement had not yet been appointed, as of July, 1967). One management spokesman suggested that the Committee should be enlarged in terms of numbers, and membership should be worked out on a regional basis in Nova Scotia.

The joint committee in Nova Scotia is organized on a two-level structure,--one consisting of the Joint Study Committee, and the other being the Joint Study Conference. The Joint Study Committee is the policy making area in the two level structure. The first group consists of the sixteen member committee mentioned above, and the Conference is composed of delegates at large who are interested in labour-management relations and invited participants from outside of the province. In addition, sub-committees have been set up to study wildcat strikes, strikes in essential industries, normal strikes, automation, construction industry, and legislation.

There is no specified term of office for the members and a formal successorship arrangement to replace members has been adopted. The Institute receives names from the labour and management groups and a formal invitation goes out from the Institute to the person suggested, inviting him to

become a member of the Committee. But it was pointed out by a management member that membership on the Committee is chosen with care. A "controversial or amateurish" person is not invited to sit on the Committee. The management members on the Committee are all executives in unionized firms.

It was stated by a management member that appointments to the Committee pose a problem since the organizational structure of the two sides differ. Labour has a more defined organizational structure, while management is unstructured. He observed that management representatives attend the meetings but have no direction from any organization. They often disagree among themselves at the meetings. It was observed that they are strong "individualists," and they argue with each other "over edges and not principles." Labour on the other hand sits in caucus and are more united. But there are internal problems in unions too, as management leader stated, for the rank and file do not get along very easily with their leadership.

It was also pointed out that while the Committee began as an unstructured group, it was getting beyond the stage of informal talks now. Thus there was a move to formalize the meetings and now there is a formal agenda as a guide for discussion. At the end of the meeting a half hour or so is allowed for "free" discussion. The informal atmosphere also

led to wasted time and there was pressure from government and labour to get "something done." Thus, the agenda was planned more carefully and the informality curtailed. Attendance is good, but it was better on the management side than on the labour side it was stated.

The Joint Study Committee is a voluntary committee, and it is pragmatic in its approach. The Chairman of the Committee stressed that emphasis should be put on "joint study" rather than on "co-operation" in reviewing the work of the Committee. A management spokesman also stressed the point that the Committee was a "study committee" and not an "action committee." He stated that by adopting that approach they are able to remain more neutral.

A management member has suggested that active and interested people who attend the conferences should be recruited and involved in the work of the Joint Study Committee. It was therefore suggested that each member have two "proxies", and if a member is unable to attend a meeting, then his "proxy" would go in his stead. This would allow the Committee to see how he would "fit in". Currently replacement on the Committee is informal.

#### Financial Structure

The amount of the annual budget for the Joint Study Committee and the Conference was not clearly revealed, since its function-

ing is so closely tied in with the overall activities of the Institute. But the following information was disclosed by the people interviewed.

The Joint Study Committee is financed indirectly by the Institute of Public Affairs. The Institute itself is allotted a budget from Dalhousie University. It receives for its total activities grants from government, management and some unions. The budget last year was \$30,000 and it is expected that the amount will be increased to \$35,000 for the coming year. Small grants are also received from the municipalities for special courses given by the Institute. Research money comes from Dalhousie. Expenses for the conferences include rent of hall, fees for speakers, and meals. There is a registration fee charged to delegates attending the Conference, but the set registration fee only covers a portion of the expenses of the Conference.

The members do not receive a fee. The expenses of Committee members are not high, it was pointed out, and are borne privately by the members or their organizations. The Institute provides the meeting space, secretarial services and administrative essentials. Thus the Institute sponsors the Joint Study Committee and the Conference, and the Institute itself is financed through Dalhousie University, which in turn is supported by the government through annual grants.

It was disclosed too by a management members that Business gives an annual grant of \$8,000 to \$9,000 to the Institute, but it is not earmarked for any specific purpose. A labour leader also claimed that labour gave a donation of \$1,500 for the first Committee and first Conference, and this amount was proportionally divided among the larger unions. It was also disclosed by a government official that the Department of Labour makes grants to the Institute annually for the labour-management forums which the Institute has been conducting for many years. An annual grant of \$5,000 is given by the Provincial government with no strings attached. It was stated that this would cover the expenses of the monthly meetings of the Committee.

#### The Joint Conference

When the Joint Study Committee was established and began to study problems and form recommendations, the question was raised, "what do we do with the recommendations?" A management leader had the idea to call a Conference and to bring the recommendations before the assembled delegates for discussion and endorsement. Thus the Joint Conference became an annual event and forms the second level in the structure of the Joint Committee. Endorsement of recommendations is by a show of hands, and it was stated that sometimes they are modified by the Conference delegates before they are accepted. But once

the recommendations are accepted and endorsed by management groups and labour groups they are sent to the government. There is a committee set up to organize the annual conferences.

The conference is attended by delegates on a regional basis and by "top level delegates" who represent relatively large unionized firms. Observers from government and universities also attend. The Joint Study Committee presents the program with main speakers and initiates the areas of agreement. The Conference breaks up into small groups and meet again and enter into discussion. This gives direction to the Committee for the coming year.

In general, unorganized firms do not send delegates to the Conference. A management leader suggested that the "unorganized are afraid to go to the meetings," for they are afraid of being "associated with unionism." The result is that many small firms which are yet unorganized are left out of the experience. The exception to representation of the unorganized is Imperial Oil, it was pointed out. The firm is unorganized but sends a delegate to the Conference annually. A labour leader stated that he believed the Conference and the work of the Committee would be more effective if unorganized workers were also in attendance.

The first Joint Study Committee accepted a six-point

agreement submitted by the Joint Study Committee. In the subsequent annual conferences the Joint Study Committee submitted further agreements and reports which were endorsed by the Conferences. (These agreements and reports are published in length by the Dalhousie Institute of Public Affairs, and are available upon request). The members interviewed believed that these agreements submitted by the Joint Committee and endorsed by the Conference are very important for the "respect and attention" given to the work of the Joint Committee. The moratorium which was accepted by the Committee, the Conference and the government, pertains only to the Trade Union Act. It is re-established every year at the Joint Study Conference.

One management leader stated that he did not see a need for a Conference to be held every year, for now the sub-committees are actively studying various problems. All other members interviewed placed a great deal of value on the Conferences in terms of publicity, information and direction for the Committee.

#### Attitudes and Atmosphere

The atmosphere in the monthly meetings of the Joint Study Committee are informal. No votes are taken and no names are mentioned in the minutes. In fact it was stated that minutes are not taken, "only notes." A formal agenda is drawn up as a

guide for the informal discussion which follows. There has never been a formal appointment of a Chairman either, but the Director of the Dalhousie Institute of Public Affairs acts as the Chairman of the Joint Committee. Thus the Chairman too has a very informal role. The role of the Institute in connection with the Committee was regarded as that of moderator. A management leader stated that the Institute was not an "ivory tower", and it acts as a bridge between business and the university. Its approach is more practical than that of the University.

Meetings are held once a month and it is normal to hold about a four-hour session. A management spokesman claimed that if anyone acts as the Executive it is the Institute. There is "good spirit" prevailing in the meetings and the free and informal atmosphere creates no hard-feelings even when there is disagreement. Agreement on the Committee is not always unanimous, but those who disagree will not debate the point further outside of the Committee meetings. They accept the majority decision, and it is such an agreement which faces the annual conferences.

A number of management members claimed that the Joint Study Committee was actually more valuable to labour than to management. A management spokesman maintained that labour members

were "keener and sharper" on labour-management relations than employers, for it was a "full-time thing" for labour leaders. The leadership quality on the labour side was more pronounced since labour leaders are "like politicians." They must be responsive to members' wishes otherwise they are not voted into office at the next election. For many employers industrial relations is only one area of managerial interest and activity. A management spokesman commented that employers do not take enough time to study industrial relations. More time is spent studying "the plans for a new building" than there is spent in studying a collective bargaining agreement, which involves the livelihood for a year or two of about four times the number of workers covered when families are counted in.

A management leader speculated that the spirit of co-operation which exists at the meetings perhaps filters down to lower levels of labour and management relations, but he admitted that it was very difficult to judge. While some "good will" gradually filters down through the organizational levels of management, he believed that the foreman was in a difficult position. The channel of communication reaches him very slowly.

It is realized generally that the major problems are not solved overnight, it was observed, and the Committee is regarded by both sides as sincerely trying "to do something." A better understanding of the role of each party has resulted,

but the atmosphere and attitudes achieved have been a gradual process. It was also pointed out by a management spokesman that a report on the activities of the Joint Study Committee is presented annually to the Nova Scotia Federation of Labour convention, and now there is endorsement by labour and greater trust in the work of the committee by the rank and file labour membership.

It was also maintained that both labour and management give their time to the Committee in order to keep government interference to a minimum by solving their own problems. It is believed too that labour legislation should not be left entirely to the lawyers. The comment was made by a management member that labour "would have co-operated with anyone" if the opportunity meant that it promoted the trade union movement.

A management leader emphasized that the "spirit of free enterprise" prevails at the meetings. This is in keeping "with the age we live in" he maintained. While the situation is not perfect, it was admitted, many management people do say, "if unions were withdrawn, what would be put in its place?" An employer revealed that he was greatly "shocked" when his employees began to unionize. He was "afraid" and so he "fought bitterly." His fear stemmed from lack of knowledge of unions and the "uncertainty of being put out of business." He stated that "fear" leads to unfair labour practices, and "fear"

also breeds hatred. To fight was "an instinctive reaction to fear." He went on to add that unions use "fear" as an "organizational tool" and often employees feel fear too, either fear of being a union member, or fear of being a non-member.

A kind of power relationship was present at the start of the meetings in the early years, as each side tried to gain an advantageous position when they were "testing" each other. But it was stated that both sides have matured in their approach and moderated their viewpoints and attitudes. A management leader claimed that at the committee meetings management members speak as individuals, but labour members are not independent, and speak as representatives of their unions.

A management spokesman declared that he believed that the ability to work with people was important on such a committee. It was important to get people together "to break bread" and to co-operate. It was also maintained that the unions were more pragmatic than management. The rank and file want action and much of the relationship in unions is "people and emotions," it was stated.

#### Government and the Committee

The government in Nova Scotia does not interfere with the

activities of the Joint Labour-Management Study Committee.

There is "good will" with government it was maintained, and the new Ministers of Labour in the past years have been mature in their understanding of labour-management problems. It was pointed out by a management representatives that the government is very receptive to the Joint Labour-Management approach to industrial relations problems, especially after the Select Committee returned from Sweden and Europe and reported on the findings in connection with joint councils there.

When the government went along with the joint recommendations for changes to the Trade Union Act, the Committee members were very pleased and encouraged. A management spokesman stated that "success breeds success" and the Joint Committee became very encouraged and began to widen their scope. At first discussion focussed only on the Trade Union Act. Then sub-committees were formed to study other industrial relations problems. In general the Committee has developed trust in the government it was maintained. The present government will not amend the Trade Union Act unless a joint submission for amendments is received from the Committee. There is a close liaison at present with the Department of Labour. The Deputy Minister of Labour for example attends meetings and is on a sub-committee on legislation. There is a willingness to help the Committee, and the government expects the Committee to bring problems to them for discussion. A "helpful and pleasant" relationship exists,

it was pointed out. But the government meets with the Joint Committee only at the invitation of the Committee, or at the request of the government.

It was pointed out by a management leader that actually no agreements can be made which bind future governments. Another management member expressed a less enthusiastic view when he stated that "the government is a thorn in the side," but they "get along quite well." The members did not wish government to get involved on the Committee because they are responsible not only to labour and management, but to all citizens in general.

A management leader also stated that he believed governments should be kept off the Committee and he was all for free enterprise and the least degree of government interference. But he added, "if they have good deputies, bring them in,-- it doesn't matter what hat they wear."

#### Comments on Industrial Relations in Nova Scotia

In the dispute settlement area the government does not set up Conciliation Boards at the present time, unless a joint application is made by the parties to the dispute. It was stated by a management representative that "for a while it

worked." but now more Inquiry Commissions are set up, as very few joint requests are made. He stated that the value of the conciliation board was that "it saved face." Another management spokesman claimed that too rapid a change is not a "good thing". He cited the change in conciliation application procedure with regard to joint requests. It was hoped thereby to stimulate true and serious bargaining. However, in his opinion, unrest still prevails in the province. But another employer stated that while "all is not utopia" there is a real effort made by labour and management to come to terms with a minimum of government interference. About one-third of the labour force in Nova Scotia are organized.

It was pointed out too that in the past it was always labour taking the lead in submitting demands to management, and employers were simply defending themselves. There is a change now, and the employer also submits proposals to the union for bargaining purposes. The observation was further made that no one large firm dominates the economy,--"no big union" and "no big business" power relationship dominates the industrial relations scene. It was stated that power was diffused in the province.

A Minimum Wages and Vacations Act was recently brought in by the government. A management spokesman regarded it as a "bad piece of legislation." He stated that he often breaks it,

and "tells them to make a test case of it, but they know I am right," and nothing is done. He stated that labour was pressuring government for a minimum wage act, especially since wages in the service industries was very low. He observed that labour pushed it even though the service industries are not organized. He claimed that the result was that the Act "disrupted many existing contracts."

The Minimum Wages and Vacations Act also included a two weeks' vacation clause, another management leader pointed out. Management found it difficult to oppose on principle, he said, but at the same time the passage of the Act affected many signed contracts. A compromise was reached by leaving it until 1968 to become effective. It was emphasized that employers did not object to the period of vacation on principle, but they objected to the fact that the legislation would disturb existing contracts under which vacation clauses had already been settled through bargaining. Thus 1968 was the date the law would come into force, giving time to employers to make changes in anticipation of the Act. By that time, too, most agreements would be coming up for renewal. A government spokesman claimed that the two weeks' vacation clause was opposed by the C.M.A. and he told them frankly that any management representative who opposes a two weeks vacation period in this age of 1967 should not be on a joint committee.

While the Swedish experience is often examined and discussed, a labour leader stated that the economic structure of Sweden and Nova Scotia is not comparable. Industry in Nova Scotia is dominated by American firms. The extractive industries are opening in Nova Scotia and they get "good concessions" from all levels of government, but they have very poor industrial relations policies, and their wage standards are very low, he observed. In manufacturing, the provincial corporations known as Industrial Estates, get a federal subsidy for opening in a depressed area, and they get provincial and municipal subsidies as well. Furthermore, he stated that labour also subsidizes them for they pay very low wages to employees. A number of labour leaders were anticipating problems of layoffs at Dosco (in July, 1967) and commented, "some don't practice what they preach."

#### Accomplishments

There is a feeling among Committee members that a great deal has been accomplished and "tremendous strides" have been made. There is a belief that "new ground has been broken." It was stated that communications between labour and management is very important, and the Joint Study Committee provides another method of communications which did not exist previously. A management leader maintained that there was the feeling

on the part of some members of the Committee that "something  
big should be done, for example, do away with injunctions,  
or copy the Swedish experiment." They wanted to "cause  
ripples on the water," but on the other hand, they did not  
have the patience to study the Swedish experiment in depth.  
Furthermore he stated that he is not so sure that the  
Swedish and Nova Scotian situations are comparable.

In general the management members appear to be satisfied with what has been done by the Committee to date. Industrial relations in general are improved and moves are not made so hastily it was believed. It is felt that the Committee has brought "maturity in viewpoint" on both sides. However, there is still concern about strikes, and there is a feeling that they reflect on the Committee. It was argued that labour leaders have pressures on them from the rank and file, and are in difficult positions. It was maintained that there must be a more satisfactory way to deal with conflicts, though the right to strike cannot be taken away under free collective bargaining, a management member stated. But the reasons for a strike are not black and white, he observed, but lie in a grey area. A management leader emphasized that the Committee had set up sub-committees to study strikes. He expressed the view that labour should be more responsible. Wildcat strikes are impulsive acts, and

and demands for increased wages only lead to inflation.

It was also pointed out that the certification process has also been simplified and certification becomes "easier" now, when the union presents a signed-up majority. A \$2.00 initiation minimum/fee for all unions in Nova Scotia was also set.

Previously unfair labour practice cases were submitted to the Minister of Labour for leave to prosecute, but now application is made to the Labour Relations Board. All those commenting on this point believed the change was for the better. It was also disclosed, however, that the government tries to have cases settled informally before they go to the Labour Relations Board. Many cases are settled in that way before they reach the Board.

Although some union members regard co-operation with managements with suspicion it is hoped that labour will "learn that it has to give as well as to take." The Nova Scotia Federation of Labour which is considered to be a strong organization, has "done a good job" in "selling the Committee to its members," and distrust is disappearing as labour leaders defend the Committee and "sell the idea" to union members. It was observed that the largest unions in the province are the Steelworkers, C.B.R.T., and C.U.P.E. Managements too have held panel discussions on the subject

of the Joint Study Committee, and its activities, and they too have urged employers to give recognition to employees.

A government spokesman observed that a "good dialogue" has developed between labour and management. In the past management tended to think all unions were communists, and labour thought all employers were out to exploit the workers. But both have a justified role in society, and he emphasized that the Committee has helped them to see this. Furthermore, while the moratorium on labour legislation has not eliminated strikes, this is not an indication of failure, for the agreement was not intended to do so. It is anticipated that through better understanding between labour and management the situation will gradually be modified. A government spokesman maintained that it is "healthy" to have a division between labour and management, and "tough bargaining" should not be eliminated.

#### Future

There was a great deal of pride expressed in the accomplishments of the Joint Study Committee to date. It was claimed in the first place, that Nova Scotia is still a "small community" and there is less impersonality and more cohesiveness than in the larger provinces of Canada. It was stated by a management

member that there is a "new Nova Scotia Renaissance" as the negative psychology is disappearing and people are becoming interested in working together to "improve the Maritimes."

A management spokesman maintained that in the long run the Joint Study Committee is concerned with the economic development of the province, in the sense that by ~~being~~ creating an effective climate of industrial relations a "good image" of Nova Scotia will emerge. He did not mean that strikes will be eliminated entirely, for strikes tend to "define grass roots problems" he maintained, but the "bad things" should be taken out of strikes. He believed that "unfair labour practices were under control now," for management is less prone to commit them since there is acceptance of the right of workers to belong to unions. While there is still much unfair labour practices in small establishments because of a lack of familiarity with unions and the law, it was claimed that the situation is gradually improving.

It was also disclosed by another management representative that he favoured working towards a "Swedish plan" of joint co-operation. It would present a long range challenge and he claimed that they had "nothing to lose." At the same time

he stated that such a plan might mean a boost for the labour movement. Nova Scotia was not as prosperous as Quebec and Ontario and therefore more willing to experiment with new ideas and plans. It was also revealed that there has been some discussion among leading employers with respect to the formation of a federation of managements. While no federation of employers has been formed in Nova Scotia, there is an unstructured Conference of Employers meeting quarterly. A management leader stated that "while some employers are very much for the idea" of a federation, he believed that there was no need at the present time to rush into it. "If there is a need generated, it will come," he claimed. But a "federation needs a structure, time, money and leadership," he pointed out. In general the response from employers to the idea of a federation has been poor.

It was observed by a federal government representative that he had hoped to see a more defined long range objective of the Committee. He admitted that the study on automation did cover a critical area, and in general the Committee has tended to focus on more neutral and less controversial subjects. It was stated that the Committee dealt too much with the amendments to the Trade Union Act and did not give enough concern to dispute settlement. A labour leader also

commented that the Committee has not set any long range objectives,--they work only on a year to year basis. But he added that often both labour and management leaders are short-sighted. Management and labour were looking at the Committee as a short term arrangement and "felt they should skim the cream and make changes in labour legislation while it is still alive."

While it was believed that the Joint Study Committee is a "continuous thing" for the goals are broad enough so that the Committee will "not be tucked away," it was also asked, "where do we go from here?" Initially the recommendation of the McKinnon report provided a "focus. The problem now is "how to keep on." It was stated, however, that the future goal itself is to "plot a course," as conditions change. Thus the initial changes will always need review. It was claimed that the ground has been prepared for more work and co-operation, but continuity will depend on the co-operation of members.

It was revealed by a management representative that there has been "talk" about making the Committee "more permanent" by building up a "permanent staff" who would carry out statistical research. He believed that this was not a good idea. He favoured the less structured Committee and he would rather see the Department of Labour carrying on with

the statistical research than the Committee. "Informality is a good thing," he claimed, for then any group can be disbanded readily if nothing is being accomplished. A more structured organization would be more difficult to break.

It was emphasized that there is "much to be done." Working out a basic agreement or model agreement was a good idea, but labour was not too enthusiastic. It was stated that both sides are "in the same boat" though they do not always recognize it. One management member regarded the future of the Committee as a continuous arrangement providing a channel for working together towards improved industrial relations. There will always be mutual problems but by minimizing friction, better understanding will result. Although progress tends to be slow in this area, it will be well worth the time and effort spent if conflict is minimized.

NOVA SCOTIA JOINT LABOUR-MANAGEMENT STUDY COMMITTEE

Composed of the Following Members, as of Nov. 1966.

Management:

- A.R. Harrington, Pres. and General Manager  
Nova Scotia Light & Power Co. Ltd.
- F. M. Covert, Q.C. President, Moirs Ltd.
- B.D. Anthony, Industrial Relations Officer,  
Dominion Coal Co. Ltd. Dosco Industries Ltd.  
(Coal Operations), Cumberland Rwy Co.
- F.C. Hudson, President, Municipal Spraying  
and Contracting Ltd.
- J. D. Macdonald, Vice President and General  
Manager, Nova Scotia Textiles Ltd.  
Past Chairman, N.S. branch, C.M.A.
- R. G. Smith, Pres. and General Manager,  
National Sea Products Ltd.
- G. D. Stanfield, Managing Director,  
Starr Manufacturing Ltd.  
Past Chairman, N.S. branch, C.M.A.

Labour:

- John Delaney, International Board Member,  
District 26, United Mine Workers of America
- Reginald Doyle, President, Halifax and  
District Building and Trades Council
- Ed Johnston, Representative, Canadian Labour  
Council; Past President, N.S. Federation of  
Labour
- John Lynk, International Representative,  
Retail, Wholesale & Dept. Store Union,  
President, N.S. Federation of Labour
- Charles Moulton, Representative, Canadian  
Brotherhood of Railway, Transport and  
General Workers
- Donald Steele, Financial Secretary, Local 1064,  
United Steelworkers of America.

## N.S. JOINT LABOUR-MANAGEMENT STUDY COMMITTEE: (cont'd)

University: Guy Henson, Director, Institute of Public Affairs, Dalhousie University

C. R. Brookbank, Industrial Relations Associate, Institute of Public Affairs, Dalhousie University

Observer: J. W. Stewart, Manager, Atlantic Division, Canadian Manufacturers Association

Honorary Member: Judge A. H. McKinnon, Antigonish, N.S.

PRINCE EDWARD ISLANDBackground

The establishment of the Prince Edward Island Labour-Management Relations Council grew out of the current unrest on the labour scene in the spring of 1966. A construction strike occurred over the long drawn out certification process under the P.E.I. Industrial Relations Act. The strike was not well organized, but the government nonetheless became concerned by the walkout especially because of the coming provincial election. Although the work stoppage was disorganized it was seasonally strategic and therefore created a strong impact on the community. The strike was eventually settled with the intervention of two clergymen who acted as mediators in the dispute. Out of the conflict, one of the clergymen suggested that a joint committee be set up. A labour spokesman observed that this was an original idea with him from the Christian point of view (the clergymen was later chosen as Chairman of the permanent Joint Council by the appointed members). Then a joint announcement was made that both sides would support a joint council or neutral committee. The Minister of Labour too approved of the idea. Following this situation came a joint statement from the Premier and the Premier-elect that a labour-management council would be formed for the purpose of looking into the labour-management relations area in the province, with the aim of fostering better relations. There was no opposition

to the establishment of the Council at any time from either side.

### Structure

With the change in government, a separate Department of Labour was created, divorcing it from the Department of Labour and Welfare. The new Minister of Labour was responsible for establishing the Joint Labour-Management Council and with the assistance of the Administrative Assistant, the Council was officially formed.

In establishing the P.E.I. Labour-Management Relations Council the Minister requested management and labour organizations to submit names of representatives who would be able and willing to serve on such a Council. The P.E.I. Federation of Labour submitted three names, one labour representative named from each of the three counties in the Province; and the C.M.A., the Board of Trade, and the Builders' Exchange, each submitted the name of a representative. The Council was then established formally consisting of six members; three representing labour and three representing management. The group selected their own Chairman, a minister, who had acted as mediator in the construction dispute in the spring. The Chairman commands the respect of both sides and appears to be a very dynamic personality, fair and impartial, and very much concerned with fostering better understanding between labour

and management groups.

The Secretary of the Council is the Administrative Assistant to the Minister of Labour. The Secretary is a man of wide experience in the labour movement, and is very knowledgeable about industrial relations. He is a former President of the P.E.I. Federation of Labour. The Secretary has no vote in the Council but is consulted, and offers information on matters pertaining to the policies of the Department of Labour. He acts in an advisory capacity to the Council.

The Council originally met every two weeks during the formative period, and then the meetings tapered off to one a month during the summer session. The attendance of the members was very good it was pointed out. The P.E.I. Council may also be thought of in a two-level sense, as the Nova Scotia Joint Study Committee. In fact, it was pointed out by government officials and Council members that the P.E.I. Council was established along structural lines similar to that of the committee in Nova Scotia. The P.E.I. Council is smaller in numbers than the Nova Scotia Committee, with six members and a Chairman and Secretary, but the Minister of Labour on the Island has powers to enlarge the Committee if he believes it is necessary. The P.E.I. Council consisting of six members, plus the Chairman and Secretary, represents the first level in the

structure. The annual Conference represents the second level which tends to have a wider representation of interested delegates.

#### Financial Structure

The P.E.I. Labour-Management Relations Council has an annual budget of \$3,000 allotted by the Department of Labour. The budget provides for an annual honorarium of \$600 to the Chairman. In addition, the budget covers the costs of organizing the annual conference, and covers the expenses of council members travelling to Charlottetown for Council meetings from other parts of the province. Expenses of members for travel to conferences outside of the province are also covered. Some of the Council members attended the conference of the Nova Scotia Joint Study Committee in Halifax, and the labour-management conference sponsored by the Economic Council of Canada. There are no fees paid to Council members.

#### Joint Conference

The first joint conference on Industrial Relations held by the P.E.I. Labour-Management Relations Council in Charlottetown on April 13th, 1967, was considered a great success by all persons interviewed. The attendance at the conference far surpassed the numbers expected. A public

notice was published in the press inviting interested parties to attend the one day conference. It was thought that perhaps fifty or sixty people would be in attendance, but 180 delegates registered, representing a good cross section of the community. It was attended by representatives from professional groups, and unorganized firms, as well as by organized sectors.

The first conference was called by the Council with the aim of receiving some guidance as to the problem areas which the Council could study in the coming year. It was believed that there would be a feedback from the Conference delegates to the Council. The workshop idea was used and discussion groups were formed separately and jointly.

At the conference the Council asked for guidelines for the task ahead in the coming year. The delegates at the Conference were asked to indicate a list of subjects for study with priorities for the problem areas. That is, the conference was asked to look at the major areas of tension in labour-management relations in the province, and to place them in order of importance. This gave direction to the Council with respect to the way in which it was to move. A strong joint agreement emerged with respect to two problems and the Council was requested to bring back proposals on these for the second annual conference next year.

These problems were (a) communications and (b) education. They emerged as the vital priorities for study in the coming

year by the Council. It was pointed out by a management representative that small employers have a great fear of unions because they have little understanding about them. There is no service in the community in the way of providing education and information on unions for managements. There are no programmes in the plants either, and the universities in the province have not been active in the industrial relations area.

Other problems were also noted at the Conference. There is no Industrial Standards Act in the province. There is a lack of training facilities in the skilled trades and there is a need for government sponsored industrial and vocational schools. People lack incentives and do not desire to get involved and participate in social welfare programmes. There is a lack of informed leadership on both the labour and management side. Both sides recognized their shortcomings, a management member pointed out. There are very few people in management who are informed about labour legislation, he stated, and few who are experienced negotiators, few who are knowledgeable about union structure and collective bargaining. The management spokesman maintained that there is little unity among the employer associations. The C.M.A. is not strong in the province, and there is no individual who speaks on behalf of the Association. The Board of Trade is the most active of the employer associations.

At the first conference a proposal came from the floor that a moratorium on changes in labour legislation be approved. This proposal was not accepted for it was believed that the Council was not ready for such a move yet. However, informally the Minister of Labour agreed not to introduce amendments to the Act until the law is reviewed by the Council. That is, no moratorium has been declared but the Minister agreed that any contemplated amendments to labour legislation (with the exception of emergency legislation) would be brought before the joint Council before it is sent to the Legislature. Any recommendations of the Council, however, are not binding on the Minister. But he informally he has agreed to seriously consider the recommendations made by the Council.

The Conference did approve a two-point agreement submitted by the Labour-Management Relations Council. The Council believes that the agreement is very important to the future of industrial relations in the province. The first point stated that, "Both Labour and Management recognize that employers have the right to operate and manage their business and that they are entitled to a profit, a quality product and a good competitive position." The second point was, "It is agreed that both Management and Labour recognize the right of the workers to organize for collective bargaining and recognize the contribution that organized labour can make to the economy."

It was observed by a management representative that the press reaction to the Conference was very good too. The press cited the Conference as a "fine achievement", and as a "milestone in industrial relations in the province." A labour spokesman stated that he believed the Conference brought a "better outlook" between labour and management and the delegates went away with changed viewpoints. Furthermore, the Conference gave them information and publicity about the Joint Council and its activities.

#### Terms of Reference

The Minister of Labour submitted certain "guidelines" to the Council as an indication of their scope. These "guidelines" were adopted by the Council as its terms of reference. The "guidelines" of the Minister stated that the Council was an independent body aimed at promoting labour-management co-operation. After study and mutual agreement, the Council may recommend changes to legislation. No government representative will sit on the Council except by invitation from the Council. But the government will supply the necessary clerical services and facilities for meetings. The Council has power to add to the membership and to form sub-committees to study specific subjects. The Council members would be viewed as knowledgeable and able individuals serving on the Council because of their experience in the labour relations area, rather than as official representatives.

of certain associations or organizations. This frame of reference presented by the government was accepted by the Council.

In general the Council favours the least degree of government interference. It was maintained by a management member that government intervention on the Council would restrict initiative and independence. They do not wish the Council to become an arm of the government. A labour spokesman maintained that there is a great deal of co-operation from the government. The newly appointed Minister of Labour and his Assistant Administrative officer are both genuinely conscientious and willing to assist the Council in every way. Even before the Council was fully launched the Minister encouraged as many of the members as possible to attend (with expenses paid) the Nova Scotia Conference in Halifax in order to have a "first hand" idea of what was being done there. In turn for the first conference of the P.E.I. joint Council the main speaker was an academic who had first hand experience on the Nova Scotia Joint Study Committee.

There is no term of office for members of the Council and replacement of members will be done officially through the Department of Labour. There is a formal agenda for the meetings, but the minutes of the meetings are confidential and do not go to the Minister of Labour. The Council makes

an annual report to the Minister for the opening of the Legislature. A report to the Minister on any other matter of interest studied by the Council is also made. Agreement in the Council is reached by an informal vote. The Chairman polls the members to see if they agree but there is no formal vote taken. The Chairman himself votes only to break a tie. The discussion continues on all matters until it is carried unanimously. This point is important for it is believed that if a proposal goes before the annual Conference from the Council it should have the unanimous support of the Council members.

There is no government interference on the Council. The Council is divorced from government and politics, it was strongly emphasized. The Council did invite a representative from the Labour Relations Board to discuss the Industrial Relations Act, but as a source of information only.

It was stated that each member of the Council tried to speak independently and not as representatives of any organization or association. But a labour leader stated that "one can't get away from one's own organizational point of view." In general, very good relations exist in the Council meetings. Sometimes discussions are heated, but always free, even though the members did not know each other previously. It was a "feeling out" process at the start, and sometimes the

atmosphere was tense. A labour leader stated that it appears to be difficult at times to "get across to labour that labour and management have mutual problems." But there were instances of management resistance too.

The Council agreed on a principle of non-intervention or non-involvement in disputes. When the Carpenters and Builders Exchange talked about strike last spring after a breakdown of negotiations, the Council ~~opt~~ involved in discussing the conflict. But it was agreed by the members that this was not the role or function of the Council. The Council was approached by the negotiating committee to act as mediator in the dispute, but the Council after discussion decided that they wished to remain outside of the disputes settlement area. It does not wish to get into the field of industrial conflict by any formal commitment. The Council agreed that dispute settlement will be left to the provincial government for action through the conciliation process.

#### Sub-Committees

The main sub-group formed by the Council was for the purpose of reviewing the provincial Industrial Relations Act in total, and to make a report and recommendations with respect to amendments to the Act. This was expected to be a

very thorough study and the sub-committee was to examine all provincial labour laws in Canada. The Chairman of the sub-committee on Legislation is a Professor of English from Prince of Wales College.

Acting on the direction received from the first annual Conference the Council will also set up a sub-committee on Communications and Education. In July, 1967 (the date of my visit to P.E.I.) the Council was just considering the selection of members to this sub-committee and trying to decide whether to set up two sub-committees, one for each area; or to set up a sub-committee which would study jointly the areas of communications and education.

#### Industrial Relations Problems in P.E.I.

The province of Prince Edward Island is not heavily industrialized. There is little manufacturing and the population is occupied chiefly in agriculture, fishing, and tourism. Recently food processing is a new industry taking hold in the province. But in general the labour force is largely unskilled and the educational level is low. High school only runs to Grade 10. Grades 11 and 12 are obtained at Prince of Wales College, or training may be continued at the Provincial Vocational Institute. The result, however, is that many young people stop at Grade 10 and do not continue their education further. A management spokesman

claimed that the low level of education in general contributes to the low levels of productivity in the province.

Concern was expressed by a management spokesman that strikes are the cause of a great deal of hardship and waste. Industrial conflicts no longer affect only the employer and employees, for there is an impact on the community as well. He maintained that he would like to see a labour court established to handle disputes.

A labour union leader stated that the province is backward in labour organization. It was stated that "good labour leaders" are scarce in P.E.I. Many tend to be "alcoholics." If an able leader emerges, management soon removes him from the rank and file by making him a foreman. A related problem is that the "big unions" are not interested in sending representatives to organize small units of ten or twenty workers. It is too costly to do so it was emphasized. On the other hand, as the agricultural labour force grows relatively smaller, more and more small industrial groups emerge. And union organization is very much needed there.

The labour movement presents annual briefs to the government recommending changes in labour law, but the suggested amendments are not carried. There is a serious problem with regard to certification, for example, since

the process is unusually drawn out. This creates difficulties, especially in the construction industry where the labour force is seasonally employed. The walk-out occurred in the construction industry last spring because of this problem, plus the added one of low wages. It was suggested at that time that a labour-management committee be set up in the construction industry in order to discuss the problems peculiar to that industry.

A labour spokesman claimed that the establishment of the Labour-Management Relations Council was a big step for P.E.I. for unionism is a new field of study for employers in the province. Unions have been "looked down on" by managements, a labour member stated, but both sides "have a lot to learn."

A labour spokesman observed that conflicts over union recognition are common in P.E.I. The law does not provide adequately for union recognition. It was maintained by a management representative that employers know very little about the labour movement and they "feared unions." Labour too has very little knowledge about production problems. He claimed that there is a great need for "progressive management" on the Island.

Support received recently from the provincial government was encouraging to the labour movement, it was proudly pointed out. The Financial Secretary of the P.E.I. Federation of

Labour was sent to the Labour College in Montreal this year on a \$1000 grant received for this purpose from the provincial government. It was pointed out that finances was always an urgent problem in the labour movement. The previous year the government gave a grant of \$350 for a student to be sent to the Labour College. It was pointed out that all the officers of the P.E.I. Federation of Labour are part time officials.

A labour spokesman maintained that the conflict in the construction industry last year had a "tremendous impact" on the public. While the Islanders often regard themselves as more individualistic and "different" from other Canadians in their actions and responses, under such circumstances they rebel too if pushed, it was observed. But they were not as militant as other union members elsewhere it was stated. A labour leader did not believe that they "lost" as a result of the construction walk-out, for they gained some "recognition and respect" from the community. He stated that people must take notice that we live in a different age now, and the future is changing rapidly bringing many new problems that must be dealt with. There is likely to be friction between labour and management, he observed, because of the past, but he hoped that good faith would eventually emerge.

#### The Future

The Chairman of the Council maintained that the Joint

Council in P.E.I. grew out of problems on the Island,--strikes, low wages, weak unions still fighting for recognition, bitter management opposition to unions.

While it is too early to judge the influence or effect of the Joint Council in Prince Edward Island, the members strongly believed that a change in attitudes will come. A management representative maintained that there is an awareness now that something can be gained through joint meetings,--better understanding and the realization that "the other guy might also have a viewpoint worth listening to." A management spokesman also pointed out that the objective of the Council is to get views from both sides and the Council will become a vehicle of communication. The Council must be respected by both management and labour, it was emphasized.

It is felt that the annual Conferences will give the Council its direction and long range goals. At the present time, review of labour legislation is very important and it is expected that this area will be a continuous project for the Council. Communications and education are the other long range projects of concern for the Council. Since there is a serious lack existing in these two fields, it is anticipated that some time will be needed for the study of these problems.

It is strongly believed by the members that the Council

is on the "right track". The basic approach of the Council has been accepted and approved by the Conference. They also reviewed the history of other joint councils in Canada and they believe that they can accomplish a great deal in P.E.I. All the members of the Council were interviewed, and all expressed a great deal of enthusiasm and optimism as to their expectations of the future role of the Council.

A management representative stated that the Council will provide a forum through which changes in industrial relations law will flow. Another management member claimed that they were "still groping." The problem is to get people active and interested who have a working knowledge of industrial relations. The labour movement is relatively new in P.E.I. But some signs of co-operation are emerging and it is hoped that an "upgrading of the provincial economy" will be the result. Examples of recent "good-will" was the dinner meeting of the Board of Trade where a union executive was invited as the speaker. In turn the Federation of Labour plans to extend invitations to the President of the C.M.A. and other management leaders.

The members had a great deal of respect for and confidence in the Chairman and Secretary. There was a feeling that the skill, the facilities, and the research are all provided for the Council. There was no antagonism

expressed against the government. It was believed that with the guidelines provided by the Conference the work of the Council will lead to better labour and management relations and thus to increasing productivity. A labour leader claimed that good labour and management relations promote productivity which is beneficial to both sides. With higher levels of productivity labour will also make greater strides.

PRINCE EDWARD ISLANDMembers of Labour-Management Relations Council, 1967.

Chairman - Rev. M. A. McQuaig

Secretary - J. M. McAllduff, Administrative Assistant,  
Dept. of Labour and Manpower Resources

Management Members - Frank Curtis, Warren Maritimes

Raymond MacDonald, Canada Packers Ltd.

Norman Stewart, Square K Construction

Labour Members - Wm. Shields, Local 1338, Carpenters' Union

Everett MacLeod, Local 127, C.B.R.T. and G.W.

Dennis Thibodeau, Lodge, 1934, I.A.M.  
Georgetown



NEWFOUNDLANDBackground

A letter dated October 24th, 1967, from the Minister of Labour of Newfoundland contained the following statement: "The establishing of a joint labour management committee has been under consideration for some time although it has not as yet come to fruition."

The idea of a joint labour-management committee was not new to the labour and management representatives interviewed, but one senior labour leader observed with some insight that labour management co-operation at the provincial level can only come after collective bargaining at lower levels of labour-management relations has reached a certain stage of development. It would appear that in Newfoundland this stage of development has not yet been reached.

Labour Problems

It was emphasized by many of the interviewees that the labour movement in the province is weak mainly due to lack of industry. Newfoundland is still an "island" and isolation, low levels of education, and undevelopment contribute to serious difficulties in union organization. A labour spokesman claimed that there were very few full time labour representatives in the labour movement in the province. The relative small size of business and industrial establishments makes it costly to have full time labour representatives. Financial considerations are also a major factor in preventing delegates from attending

industrial relations conferences in other parts of the country. In general wages are low, especially for the unskilled worker. Isolated fishing communities, especially those not located on or near the Trans-Canada highway, are unaccessible by road. Even where fish processing plants are located in such communities, union organizers face strong resistance and fear from management and inhabitants, especially when the community is a one-industry town.

Labour organization is also hampered by the fact that a relatively large segment of the labour force in the province is seasonally employed, and many work part time in a number of occupations. There is a shortage of skilled labour and automation has created severe problems for the displaced worker. Until recently there was no apprenticeship program in the province and therefore local workers received no training in the skilled trades. The traditional occupations on the island are carpentry, woodworking and coopering.

Lack of education was also emphasized as a serious factor in creating organizational problems. The Newfoundland Federation of Labour or any union has never had any funds to send a student to the Labour College in Montreal. The C.L.C. through its Atlantic region representative does conduct week-end labour seminars in St. John's, Corner Brook and Grand Falls, and it was stated that the same delegates seem to attend these regularly. In the opinion of one labour leader, although many union members are apathetic about union meetings, those who are active have advanced a great deal in their experience with respect to parliamentary procedure.

It was observed that in general there has been apathy and a lack of militancy in the labour movement in the province since the 1959 conflict between labour and government. At the present time union membership in terms of numbers is greatest in the pulp and paper mills. The woodworkers involved in the 1959 dispute were absorbed by the United Brotherhood of Carpenters and Joiners (AFL/CIO, CLC), and this union has six locals in the province. It was estimated that about 15 per cent of the labour force in the province are organized. There have been increases in union membership but not relative to the growth in the labour force. The civil service employees are also organized and constitute a relatively large segment, but this group remains independent since their withdrawal from the Federation of Labour in 1959 as a result of the Premier's emergency legislation.

#### Labour and Government

A major cause of the "labour problem" in Newfoundland goes back to almost ten years ago when in 1959 the Premier legislated two locals of the International Wood Workers of America out of the province. The Trade Union (Emergency Provisions) Act was passed on March 6, 1959, under which the certification granted by the Labour Relations Board to Locals 2-254 and 2-255 of the International Wood Workers of America was revoked by the Act. At the same time, any collective agreement entered into between the union and the employer and in force under such circumstances was considered as void and not binding upon the parties to the agreement.

This dispute divided labour and government for many years. It is only recently that "they tolerate each other" as one labour spokesman pointed out. Until recently the Newfoundland Federation of Labour's annual brief was mailed to the government. It is only in the last two years that the annual brief was presented by a delegation which met the Cabinet.

The position of the Executive of the Federation of Labour in 1959 however was curious. The Executive at that time agreed with the Premier's move, but when the issue came before the Convention, the delegates threw out the executive members who had sided with the Premier's position.

It was pointed out by a management representative that friction developed originally because Newfoundland workers did not want American unions in the province. The organizers sent in by the International Union were antagonizers and "rough necks" and the Premier was supported in his move to legislate them out of the province. Another management leader stated that the international organizers were making workers dissatisfied and making them "unhappy" by framing demands for higher wages and "other things the men were not used to." In clarifying this phrase he said he was referring to "hot and cold running water and spring beds" in the lumber camps. In his opinion these were unnecessary luxuries for the men were "happy" as they were. International unions, he went on, merely caused discontent among workers in the province, and they raised dues and drained the funds from the Canadian locals.

Labour leaders made the point that the Premier was supported in the move by citizens in general (he was re-elected) because

they are still grateful for his leadership in bringing them into Confederation. A labour spokesman also claimed that the low levels/in the province make it impossible for the average citizen to cast an "enlightened" vote. According to him, people associate the baby bonus cheque with their Premier. He stated that compulsory education in the province has been in force for only about fifteen years. There is no public school system and all elementary schools are church sponsored. He maintained that it is not unusual, therefore, to see three or four church schools in a small fishing community. Education is free, however, from elementary to university level.

The observation was made that the conflict appears to be between the Premier and labour, and not directly between the Minister of Labour and labour unions. It was added that the persons holding the office of Ministers of Labour have tended to be weak and were unable to act effectively because of the political situation. A university professor illustrated this circumstance by referring to the 1959 dispute which ended in the de-certification of the two locals of the I.W.W.A. At that time, it is said, the Premier suspended the powers of the Minister of Labour while the dispute lasted so that he could personally put through the legislation outlawing the locals mentioned above. The Minister of Labour at that time went along with this position and after the situation settled down he went back to his constituency and apologized for the legislation.

The "softening" of government towards labour since about 1965

is said to have occurred because the Premier does not wish to have ill-feelings between labour and government, especially if he is considering retirement. He is said to have been a union organizer at one time in his past career. The opinion expressed by a labour leader was that he does not think that the Premier would wish to step out of politics and have ill-will reflected in his relationship with labour.

### Restrictive Legislation

In addition to the rift between unionism and government in Newfoundland which has not completely healed, labour leaders pointed to two other legislative acts which are considered to be restrictive by labour. The first is the Labour Relations (Amendment) Act of March 6, 1959, which was passed at the same time as the Trade Union (Emergency Provisions) Act. The Amendment Act provides for an insertion to the 1952 Labour Relations Act, labelled 6A(1) which is the section that labour leaders find objectionable. It states as follows:

"Notwithstanding anything contained in this Act or in any other statute or law, where it appears to the Lieutenant-Governor in Council that a substantial number of the superior officers, agents or representatives of a trade union or any body, group or organization of trade unions outside the province have been convicted of any heinous crime such as trafficking in narcotics, manslaughter, extortion, embezzlement or perjury any and of all of them remains as officers, agents or representatives of the trade union or body, group or organization of trade unions, the Lieutenant-Governor in Council may as from such date as he sees fit dissolve any trade union in the province which is a branch, local or affiliate of that other trade union or body, group or organization of trade unions." (6A(1) The Labour Relations Act, Chapter 258 of The Revised Statutes of Newfoundland, 1952, in The Labour Relations (Amendment) Act, March 6, 1959.

In effect, labour representatives feel that a local in the province may be wiped out by the government if its international representatives or officers have been dealing in corrupt practices.

The other piece of legislation which labour representatives regard as restrictive is The Hospital Employees (Employment) Act, 1966-67. This Act prohibits hospital employees from striking and picketing. Fear and uncertainty was expressed by labour leaders that if this type of legislation can be applied to one sector, it can also be applied to other groups of workers in the province arbitrarily.

#### Joint Committee

The idea of a joint council in principle is not new to labour, management and government spokesman in the Province of Newfoundland. One labour leader claimed that while he was President of the Federation of Labour the idea of a joint Committee was discussed at the annual convention of the Federation. However, more pressing business always forced the matter to be treated with less emphasis than other business. But resolutions were usually passed endorsing in principle the establishment of a joint committee. It was also pointed out, however, that in general, union members tend to be suspicious of such an arrangement for there is the feeling among them that their labour representatives are "pussy-footting" with management.

An academician claimed that a move to set up a joint Committee similar to the Nova Scotia Joint Study Committee was considered by labour, by the C.M.A. and by the Board of Trade. But the management spokesman was hesitant in his support for any action

because the proposal on the labour side was made by a leader who was regarded by management as a "rabble-rouser". Thus it was felt that perhaps this was just a "gimick" which would allow labour to make gains or to gain a "foot-hold".

The labour leaders interviewed spoke enthusiastically of the idea of a joint committee. One labour spokesman maintained that there was great value in joint committees if such meetings of labour and management averted a strike somewhere in the province at some point of time in the future. He saw long range advantages with respect to the accomplishments of joint councils in averting conflict. His belief was that the idea could be "sold" to the union membership and that better understanding at top levels would lead to improved harmony at lower levels of labour-management relations.

#### Corner Brook Conference

A labour-management conference was called in Corner Brook on November 9th, 1967. It was promoted mainly by the Inter-faith Social Action Committee of Corner Brook, but it also received strong support from the Industrial Relations Officer at the Canada Department of Labour in St. John's.

The theme of the conference was "How Communications can make for better labour-management relations". The important result which flowed from the conference was the passage of a resolution instructing a Steering Committee to set up a permanent committee consisting of eight members, made up of two representatives each

from labour, management, education and clergy. The terms of reference for the Committee were not defined by the Conference indicating that the Committee was left to set its own objectives.

The view was expressed by all those interviewed, that it was hoped that similar committees would be established in other municipalities in the province, and there was some speculation that possibly this experience would lead to the formation of a Committee at the provincial level.

At the time of my visit to Newfoundland (November, 1967), the permanent committee at Corner Brook had not yet been established, but the steering committee was considering suggested names of people who might be willing to serve on such a committee.



## RECOMMENDATIONS

The recommendations offered below are based on the author's examination of joint labour-management consultative councils at the provincial level in the provinces of Canada. The recommendations stem from observations made and information received on the role and functioning of the joint councils. It is recommended that at the federal level, two steps be taken:

- (1) First, that a permanent body known as the Industrial Relations Council of Canada, be established.
- (2) Second, that a Summit Conference of provincial Joint Labour-Management Councils be called every second year by the Industrial Relations Council of Canada.

### (1) Industrial Relations Council of Canada

The Council, known as the Industrial Relations Council of Canada, would consist of a permanent Chairman, and a Committee. A permanent research staff would be attached to the Council. It is suggested that the Council consist of the Chairman, three top management executives, three top labour leaders, three outstanding community figures representing the public, and three academicians (an economist, a sociologist, and a social psychologist).

The Industrial Relations Council of Canada would constitute a kind of permanent task force on labour-management relations. The Chairman would also be the Research Director of the Council. His double role and title of Chairman and Research Director would tend to emphasize the research nature of the Council, as well as its consultative aspects. Its broad terms of reference would be to establish a climate of mutual trust through organized and regular communications. The Council would study and discuss problems of a socio-economic nature relating to industrial relations in Canada. It would examine labour legislation and make recommendations for amendments to outdated and ineffective laws regarding industrial relations at the federal level. It would study the problems confronting labour and management and the public when technological progress gives rise to dislocations and serious automation-impacts on sectors of the economy.

The Industrial Relations Council of Canada would make annual reports to Parliament. Its studies and recommendations would serve as a source of continuous contact and information for government on matters relating to the industrial relations scene. The Council would also serve as a source of information

for the Panel of Mediators (assuming that such a panel will be set up in Canada) who will be concerned with dispute settlement. Close contact with the Panel of Mediators would be beneficial especially in anticipating problems or unrest. The Industrial Relations Council of Canada would provide a permanent body reviewing the problems confronting labour and management and government on a regular and rational basis, and not just "in the heat of the day" when crises develop. In this manner, a more solid and harmonious relationship will emerge based on rational collaboration and self-regulated communications.

The Industrial Relations Council of Canada would be in effect a secretariat of experts and involved responsible people, independent and free of political control, whose aim would be to overcome narrowness of interests. The ultimate objective of the Council would be to involve labour and management in the socio-economic aspects of industrial relations problems, and through organized consultation and the use of documented information based on thorough research, to develop an awareness of the impact of their activities on the total society.

(2) The Summit Conference on Industrial Relations

A Summit Conference would be called by the Industrial Relations Council of Canada every second year. The Summit Conference would be a meeting of all the permanent joint labour-management committees which have been established at the provincial level in the provinces of Canada. The Summit Conference would be attended by the permanent appointed members and the Chairmen of the various provincial joint labour-management councils, plus the Ministers of Labour and the provincial Deputy-Ministers of Labour, in addition to the members of the Industrial Relations Council of Canada, and senior Canadian government officials.

On the programme of the Summit Conference would be a review of the activities of each provincial joint council with discussions on their approach, accomplishments and objectives. The chief value derived from such a conference would be that the meetings would help to break down the provincial isolation which exists across Canada. A member of a joint labour-management committee in the west would know what is being done by joint committees in the eastern provinces. By comparing problems and discussing solutions, members would have some knowledge of how other provinces are utilizing the joint committees and for what purposes.

There would be benefits derived from association and

and contact with other members who serve on joint councils, and value in the exchange of ideas and experiences with regard to the activities of joint councils, and industrial relations in general. In addition, contact of joint council members would provide them with some avenue for expressing pride in their own achievements and would give them an opportunity for assessing their own activities and accomplishments. The Summit Conference on Industrial Relations would provide members of joint councils with a challenge and stimulus to carry on with greater enthusiasm in the year ahead.

Thus the Summit Conference on Industrial Relations would serve the important purpose of not only establishing contacts among people who are deeply involved in industrial relations, but it would also serve to encourage the continuation of provincial joint labour-management committees in Canada.





